THE PILLARS OF PRIESTCRAFT AND ORTHODOXY SHAKEN.

As for the rending of the church, we have many reasons to think it is not that which ye labour to prevent, so much as the rending of your pontifical sleeves: That schism would be the sorest schism to you. MILTON.

Neither can religion receive any wound by disgrace thrown upon the prelates, since religion and they surely were never in such amity. They rather are the men who have wounded religion, and their stripes must heal her. IDEM.

VOL. II.

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MDCCLXVIII.

BRITISH MUSEUM

TO

Mr. John Barton,

OF

LONDON.

SIR,

AS this Volume confists of very inftructive treaties, I inscribe it to you; both as a public acknowledgement of your favours to the Editor, and alſo that I may have an opportunity of exhorting you to zeal and ardour in aſſerting the principles of liberty.

You will here ſee, that the vindication of religion which contains every motive to goodneſs perſonal and ſocial, and the defign

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You will here ſee, that the *chriſtian* religion which contains every motive to goodneſs perſonal and ſocial, and the

deſign of which was to bleſs all nations, and to make men univerſally good and happy, hath been ſo perverted and abuſed, as to become the inſtrument of oppreſſion and tyranny, and productive of thoſe very evils that it was intended to prevent or remedy.

You will perceive that all theſe miſchiefs have ariſen from inveſting its miniſters with worldly power and dominion, contrary to the deſign of its author, and to the precepts and pattern of his goſpel.

You will find, that theſe men ſo degenerated from their firſt inſtitution, as to ſet up for ruling, inſtead of inſtructing; and though they pretended a zeal for ſouls, yet their behaviour plainly ſhewed, that they cared not what became of ſouls if they could but obtain power and wealth, the

the conſtant objects of their purſuit: that for many ages they manifeſted either the groſſeſt ignorance of the nature and deſign of chriſtianity, or the moſt wilful and wicked oppoſition to it; and that they ſo blinded and deluded the people, that temporal ideas were conſtantly annexed to a religion that is ſpiritual; and *Chriſt*'s kingdom, which is not of this world, was made a worldly kingdom indeed!

You will ſee that what they called the *Church*, was a mighty *Babel*, built upon the ruins of reaſon, righteouſneſs, truth, goodneſs and mercy, all that is dear and ſacred to men! You will obſerve, that notwithſtanding it was the deſign of their holy office to lead men to all happineſs, they have been the greateſt foes to the eaſe and comfort of men, preferring at all times their own pride and grandeur to the peace and welfare of nations: That

for this end, they have promoted and encouraged ſuperſtition in the people, oppreſſion and tyranny in princes; have ſoothed and flattered wicked kings in all their violent and ruinous meaſures; have preached doctrines of ſlavery, juſtified all deſpotic and arbitrary encroachments; have taught that obedience to the will of the prince was the indiſpenſable duty of the people, and that where the latter could not in conſcience comply with the demands of the former, they muſt not however reſiſt, but be *paſſive* where they could not be *active*: and that by theſe ſelfiſh and lying doctrines, they have brought this nation to the very brink of ruin and perdition.

It will here be manifeſt to you, that they were the men that bred all the diſcord betwixt King *Charles* I. and his parliament; that ſuch firebrands as *Laud*, *Manwaring*,

Manwaring, and others (the *Sacheverels* of that day) adviſed and promoted all the cruel and pernicious *High-Commiſſion* and *Star-Chamber* courts, and hurried on that prince to thoſe illegal practices, which afterwards juſtly brought him to the block: for it is evident that he deſerved it, and that the people were under a neceſſity either of cutting him off, or of being ſlaves themſelves without redemption.

Hence you will learn, that it muſt be the extremeſt ſtupidity and infatuation, the effect either of the greateſt ignorance or the greateſt malice, to countenance or ſupport any power in prieſts; and that it is the duty of all men to oppoſe and break their power by all poſſible means: that it is poiſon and deſtruction both to religion and civil government, to give the miniſters of religion any power, except that of reaſon and perſuaſion; this being all the power which conſiſts with the

nature of chriſtianity (a free and rational religion) and with the peace and happineſs of human ſociety: for that wherever prieſts had more power, they always employed it to the worſt purpoſes, to blind, deceive, and enſlave the world.

You will learn alſo from hence, not to be abuſed and impoſed upon by words and ſounds, and particularly by the word *Church*, the moſt ſenſeleſs ſound of all others, which has no meaning but a wicked one; for the prieſts never uſe it but either for fond ſuperſtition or terrible dominion: and when they damn a man in their creeds, worry him in their diabolical courts, and throw him into priſon, and call this the *Power of the Church*, they can mean nothing by that phraſe but their *own power*; theſe things being as contrary to chriſtianity, as they are to all reaſon and natural juſtice. And indeed, if the *chriſtian* religion gave the leaſt countenance to ſuch

practices,

practices, no miracles could ſupport its divine pretenſions, at leaſt it could never proceed from a righteous and good being. You will hence reject with ſcorn the great argument urged by prieſts in ſupport of their oppreſſive doings, *viz.* that they have *the laws on their ſide*; which will juſtify *Popery*, the *Inquiſition*, the *Baſtile*, and every tyranny under heaven. You will be amazed, that in ſuch an age as this, an age boaſting of light and knowledge, there ſhould be ſo many abſurd doctrines and ſuch iniquitous practices in the *eſtabliſhed* religion: witneſs the *Athanaſian* creed, *&c.* and witneſs the confiſcation of men's goods, and the impriſonment of their perſons for non-payment of tythe, *&c.* And finally, you will hence plainly ſee, that thoſe men are the greateſt friends to ſociety, and worthy of all ſupport and encouragement, who are for ſtripping prieſts of all their power: that to vilify

and

and abuſe ſuch men, is monſtrous folly and a ſort of high treaſon to the commonwealth; ſince the public can have no ſecurity for its liberty and happineſs, whilſt prieſts are rampant and mighty; and they and their trumpery will flouriſh eternally, if no man ſhall dare to contradict and oppoſe them.

Theſe, Sir, are reflections, which a man of your underſtanding will naturally make on a peruſal of the following tracts; which being of great worth and value, on very intereſting and important ſubjects, are here collected and preſerved: and I perſuade myſelf, that they will have a place in every library, among other defences of liberty and the rights of mankind, againſt all invaders and oppreſſors thereof.

I only add, that it will give me a ſingular pleaſure to find that this dedication contributes to your firm eſtabliſhment in the

the principles of liberty, and that I am with the most hearty wishes for your welfare and happiness,

SIR,

Your most obedient,

And humble servant,

17 JY 30

Richard Baron.

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A

SHORT VIEW

OF THE

CONDUCT

OF THE

ENGLISH CLERGY,

So far as relates to

CIVIL AFFAIRS,

FROM THE

CONQUEST to the REVOLUTION.

By Sir EDMUND THOMAS, Baronet,
and Member of Parliament.

But tract of time, and long proſperity
(That nurſe of vice, this of inſolency)
Lulled the ſhepherds in ſuch ſecurity,
That, not content with loyal obeyſance,
Some 'gan to gape at greedy governance,
And match themſelves with mighty potentates,
Lovers of lordſhips, and troublers of ſtates. SPENCER.

First printed in the Year 1737.

BRITISH MUSEUM

A

SHORT VIEW.

THE behaviour of the clergy having ſeemed to be very extraordinary on ſome late occaſions, I was led by my reflections on that head to make ſome further enquiry, than I had hitherto done, what the conduct of that ſet of men had been from the more early times of our government down to the preſent, and what had been the opinions of the wiſeſt of our anceſtors about it.

I thought it was far from improper at this time to know not only what reſtrictions to the power and wealth of the church, the legiſlature had formerly deemed requiſite, but alſo whether the clergy had not by their behaviour made thoſe reſtrictions abſolutely neceſſary. From thence we may better know what to think of their clamours of late, upon any attempt to put the leaſt limits to their property, or reſtrictions to their power, in ſuch caſes, where it might be made uſe of to oppreſs any of their fellow-ſubjects.

For though the reaſonableneſs of laws to prevent the abuſe of power, or an exorbitant increaſe of property in any ſet of men, where there is only a probability of either, is itſelf ſufficient to recommend the enacting them, even though we had not already been ſenſible of ſuch abuſes; yet the neceſſity of ſuch laws is ſtill further enforced, when founded on examples and experience, and confirmed by the opinions of our wiſe predeceſſors.

It is for this reaſon, I trouble the public with the following ſheets, that by laying before them in as ſhort and compendious a manner, as I am able, an hiſtorical account of the conduct of the clergy of this nation, as far as it any way affected civil affairs ſince the time of *William* I. they may form a judgment from matters of fact, how far neceſſary all precautions in the laity againſt the deſigns of the clergy are, according as they ſee this conduct of theirs has promoted the public good or otherwiſe.

Whoever looks into our antient hiſtories, will find the clergy have been always guided by a diſtinct intereſt of their own, moſt frequently contrary to that of the nation: inſtead of aſſerting the liberty of the people, they have

have been moſt inſtrumental in all attempts to deſtroy it; inſtead of propagating generous notions of freedom, they have conſtantly endeavoured to inſtil into the minds of men the moſt ſlaviſh maxims, and taught leſſons of the moſt blind and abject ſubmiſſion.

Their oppoſition to power, whenever they have made any, has generally been factious and ſelfiſh, not grounded on motives of regard for the good of the commonwealth, but occaſioned by ſome attempt upon their temporal intereſt or privileges, which was often no other than a juſt intention of retrenching their encroachments upon the crown, and people.

Accordingly we may obſerve, that the moſt dangerous deſigns againſt the public have been formed by ſuch of our princes, who began with ſecuring the clergy to their intereſt by great condeſcenſions to them; for we ſeldom find the clergy to have failed returning the compliment by a concurrence in promoting the moſt arbitrary attempts by their doctrine and actions.

The uſe the clergy have made of what power they have acquired under ſuch princes,

has always been moſt inſupportable to the laity, eſpecially to ſuch as have oppoſed it.

I will not detain the reader any longer from forming his own judgment on this ſubject, but haſten to my relation of facts, by which only I deſire he may be determined, as he ſhall find them agreeable to truth, to which I have endeavoured to have the ſtricteſt regard.

The battle of *Haſtings*, gained by the duke of *Normandy*, would have been very far from determining the fate of this country, had the *Engliſh* ſufficiently united in its defence. He was in poſſeſſion of but one caſtle in the kingdom, that of *Dover*. The earls *Mercar* and *Edwin*, who had diſtinguiſhed themſelves already in the defence of their country, had ſhut themſelves up in *London* with the remains of the army defeated at *Haſtings*. *William* could not without evident danger march into the heart of the kingdom, and leave that city behind him in poſſeſſion of his enemies; nor could he lay ſiege to a place, that would coſt him much time, and employ the greateſt part of his army, which was no large one, without leaving all the remote counties in *England* at liberty to take proper meaſures for their ſecurity, and to raiſe

ſeveral

ſeveral armies, which might have been greatly ſuperior to his own.

Whilſt he was in this perplexed ſituation, the *Engliſh* had no reaſon to deſpair; and indeed the two earls juſt mentioned uſed all their efforts to animate the *Londoners*.

To unite them the more, it was propoſed to declare young *Edgar* king. In this generous deſign it was reaſonable to think, the clergy wou'd have unanimouſly concurred. One would expect to find that body of men making uſe of all their influence over the people to inſpire them with a ſenſe of the duty, they owed their country, and the obligations they were under to venture their lives in defending it from an army of rapacious adventurers: that they would have employed their interceſſion with heaven (which they would willingly have thought to be ſo efficacious) to avert the impending ſlavery, and by it have promoted a confident zeal in their countrymen to exert themſelves with intrepidity in ſo glorious a cauſe.

But how little was the public good any motive of their conduct! they could not think of continuing a war, which expoſed the lands of the church to rapine and deſolation, when

by a timely ſacrifice of the liberty of their fellow-ſubjects, they had it in their power to make their own terms: they could not help being partial in favour of one, who had undertaken his enterprize with the countenance of the pope: and they thought the church might make an acquiſition of wealth and power under a prince, that had the character of being religious, and who could not but think himſelf under the greateſt obligations to them, ſhould the people by their means be prevailed on to receive him for their king.

With theſe views they oppoſed the deſigns of the people, who had now come to a reſolution of placing young * *Edgar* on the throne; but by the biſhops declaring for *William*, the citizens were by their example at laſt prevail'd on to open their gates, and receive him.

Thus by the intereſted cabals of the clergy were the *Engliſh* diſſuaded from uniting in defence of their country; and the deſirable ſtate of liberty, founded on and ſecured by prudent and wholeſome laws, which they had enjoyed under the race of *Saxon* kings, was changed for the oppreſſive government of a *Norman* invader.

* *Cæteri proceres Edgarum eligerent, ſi epiſcopos aſſertores haberent. Malmsb. fol.* 57.

Nor

Nor was it long before the c'ergy themſelves found, how ill grounded their ſelfiſh policy had been, notwithſtanding the monaſteries had a ſhare in the diſtribution of king *Harold*'s treaſure; but what oppoſition any of them made to the invaſion of their own rights, when they had given up thoſe of their country, ſerved only as a pretext for a more rigorous treatment.

During the life of *William Rufus*, the clergy felt ſo great a ſhare in the general oppreſſion of that reign, and were always ſo diſregarded by him, that they had very little opportunity of furniſhing any circumſtances by their conduct worth relating here. It may not however be amiſs to obſerve, that the promoter and inſtrument of all this oppreſſion and violence, was *Ranulph Flambert*, biſhop of *Durham* *.

Henry I. had not been long on the throne, before the encroaching ſpirit of the church diſcovered itſelf in the perſon of *Anſelm*, archbiſhop of *Canterbury*. That haughty prelate reſolved to wreſt from the king his right of inveſtiture of biſhops and abbots; a prerogative his predeceſſors had enjoyed without diſturbance, and with great reaſon; for other-

* *M. Paris.*

wiſe the clergy might have made it one of their pretences for denying, they owed the foundation of their authority to the civil power. In purſuance of this deſign, upon the king's ſhewing ſome reſolution at firſt to maintain his right, *Anſelm*, attended by ſeveral prelates who had reſigned their biſhopricks, inſolently carried his complaints to *Rome*, and deſired the pope by his ſole authority to re-inſtate them in their ſees. We may infer from * M. *Paris*, the good archbiſhop judged it no ſimony in ſo righteous a cauſe, to make uſe of the rhetorick of gold with his holineſs, who failed not to grant his requeſt. In this manner did the ambition of that prelate not only invade the juſt rights of the king, but introduced a precedent, through the want of reſolution in *Henry*, tending to render both him and his ſucceſſors ſlaves to the papal authority, which never failed by its interpoſition in all affairs of this kind to improve them to its own advantage.

Upon the death of *Henry*, we are furniſhed with a moſt lively inſtance of the regard, the clergy paid to the moſt ſolemn oaths taken in

* *Tunc ſedes clementiſſima, quæ nulli deeſſe conſuevit (dummodo a bi a iquid vel rubei intercedat) p æſcriptos pontifices & abbates ad priſtinas dignitates m ſericorditer revocavit.* M. *Paris*, p. 49.

the

the moſt public manner. Before the departure of the late king to *Normandy*, he called an * aſſembly of the great men, in which the biſhops were the firſt, that ſwore to acknowledge his daughter the empreſs *Matilda* for their ſovereign, in caſe *Henry* died without iſſue male. The right of birth undoubtedly pleaded in her behalf, and her deſcent by her mother's ſide from the race of *Saxon* kings, was a circumſtance, which could not but greatly recommend her to the *Engliſh*. However, *Henry*'s death, which fell out in a ſhort time after, was no ſooner known, than the clergy declared in favour of *Stephen*, and by their example, not only countenanced part of the nobility in the violation of the oath ſo lately taken to *Matilda*, but by their ſuperior power in the kingdom deterred others from oppoſing their deſigns. The archbiſhop of *Canterbury*, the biſhops of *Wincheſter*, and *Saliſbury*, were three of the richeſt ſubjects in *England:* the laſt owed his riſe, from nothing as it were, to the late king, whoſe will he was ungratefully now going to ſubvert. I will juſt mention what *Rapin* ſays on this occaſion, who entirely attributes *Stephen*'s advancement to the clergy. "It was (ſays he) a great ad-"vantage to *Stephen* to have for him three

* *Malmsb. fol.* 99.

" prelates, whoſe intereſt ſecured him the ſuf-
" frages of the clergy. This body was then
" ſo powerful, that the lay-lords who were
" not in the plot, did not think themſelves
" able to oppoſe the deſign, which they ſaw
" was entirely formed, of placing *Stephen* on
" the throne; ſince all the biſhops declared in
" his favour, not one attempted to ſpeak for
" *Matilda*, ſo great an influence had the ex-
" ample and authority of the clergy over the
" minds of the nobles and people." How falſe the aſſertions were, on which the biſhops grounded the evaſion of their oaths, appears from the opinion of *Malmsbury*. That hiſtorian mentioning the reaſon, which the biſhop of *Salisbury* alledged in his hearing, concludes with ſaying, that he * does not mention it there as giving any credit to thoſe words of a man, who could ſo well accommodate himſelf to all times, as fortune ſhifted the ſcene, but in order to diſcharge his duty as an hiſtorian. Let us now ſee how they behaved to that *Stephen*, whom they had placed on the throne. They were not long before they ſhewed the uſe, they intended to make of the advancement of a king, who was indebted ſolely to themſelves for it. They ſuppoſed, he would not think it his intereſt to diſturb them in the

* *Malmsb. fol.* 99.

deſign

deſign they had formed, of embracing the preſent opportunity to render themſelves formidable, and become independent of him and his ſucceſſors for the future. In order to accompliſh this project, they not only fortified ſuch caſtles, as they had already in their hands, but erected ſeveral new ones. They outvied all the nobility in the magnificence of their houſes and retinue, and affected to appear ſo numerouſly attended on all occaſions, that they looked much more like military chiefs at the head of ſo many little armies, than the meek and peaceable paſtors of Chriſt's flock.

It cannot be wondered at, that a behaviour of this kind alarmed the king, and almoſt neceſſitated him to take thoſe ſteps towards depriving ſome of them of their caſtles, which afterwards involved him in ſo much trouble. It was not only his own private ſentiments, which determined him in that point, but the advice of moſt of the nobles concurred with his own opinion, that ſome ſtop ſhould be put to the formidable power of the biſhops *, which increaſed ſo faſt. But however deſirable this might be, it was now not to be effected: the clergy had ſo great an influence over the lower people, that the nation was in

* *Malmsb. fol.* 102.

a flame at the king's ſeizing the biſhop's caſtles. Religion itſelf was looked upon as invaded, which, as *Rapin* ſays, was now thought to conſiſt in upholding the church in whatever privileges and immunities ſhe herſelf was pleaſed to aſſume. The biſhops openly talked of oppoſing the king by arms, and became ſo ſtrong, that great numbers of the lay lords thought it ſafeſt to go over to their ſide. *Stephen* had indeed ſome time before given the people in general too much cauſe to alter the good opinion they had once entertained of him; and we find ſeveral barons had then taken up arms againſt him in defence of their liberty: but that affair had at this time been made up, and, as I before obſerved, it was now the ſentiments of moſt of the lay-lords, that the power of the biſhops required a ſtop to be put to it: though when the attempt had embroiled the king in theſe troubles, but few of thoſe lords had recovered their eſteem for him ſo far, as to aſſert his cauſe with the zeal, they would otherwiſe have done, and draw upon themſelves the fury of a body of men at that time more formidable than their own.

But that the ground of this quarrel was no national cauſe, appears further from hence. Had the point in diſpute concerned the public liberty, the king muſt have anſwered for his con-

conduct only before the great council of the kingdom; whereas in this caſe he was cited before a ſynod at *Wincheſter* *, convened by the biſhop of that place as legate: which not only ſhews the diſpute to be particular with the biſhops, but was itſelf a greater inſult offered the community, than ever *Stephen* had been guilty of.

During this diſpute, *Matilda* thought it a favourable juncture to land in *England*, and claim her right to the crown. She no ſooner arrived, than the clergy were forward to declare for her: but the biſhop of *Wincheſter*, who had hitherto chiefly excited and promoted the troubles of the king his brother, begun now to ſee his error in raiſing the ſtorm ſo high, and that his own ruin would be inſeparable from that of his brother. With this conſideration, he, at firſt, did him ſome ſervice; but no ſooner had the chance of war declared itſelf in favour of *Matilda* by *Stephen*'s being taken priſoner, than he again threw up his brother's cauſe, and won by a promiſe, that he ſhould diſpoſe of all eccleſiaſtical preferments, undertook to procure *Matilda* the ſuffrages of the clergy to elect her queen. In order to this he convened a ſynod by his legatine authority, the day before the opening of

* *Malmsb.*

which he conferred in private firſt with the biſhops, then with the abbots, and laſtly with the arch-deacons. When the time appointed for their meeting was come, after he had made a ſpeech, in which he publickly aſſerted * the principal right of chuſing a prince belonged to the clergy, the ſynod declared *Matilda* queen. It was thus with an unheard-of, and unprecedented inſolence the clergy alone pretended to give the nation a ſovereign without conſulting the barons, nay contrary to the ſentiments of many of them, who had at this time ſent their deputies with thoſe of the city of *London* to demand *Stephen's* liberty. But this meſſage had no other effect than to draw an excommunication upon the king and his adherents.

However monſtrous this conduct appears to be, the meaſure of their inſolent and treacherous proceedings was not yet compleated: for in a very ſhort time afterwards the biſhop of *Wincheſter* having been diſobliged by *Matilda*, he once more deſerted her cauſe; and aſſembling another ſynod at *Weſtminſter* † he found his brethren nothing loath in undoing, what they had ſo lately done at *Wincheſter*. *Stephen*, who was now at liberty, having been

* *Malmsb. fol.* 106. † Ibid, *fol.* 108.

ex-

exchanged for the duke of *Glouceſter*, was again acknowledged by them as king, and *Matilda* in her turn excommunicated with her adherents. This change ſoon rendered her affairs ſo deſperate, that ſhe was obliged to quit this kingdom, and leave *Stephen* in poſſeſſion of a crown, which he firſt obtained, afterwards loſt, and again recovered by the intrigues and power of the eccleſiaſticks.

The power the church aſſumed to itſelf in the next reign, and the entire independence on the ſtate, that it laid claim to, evidently appears in the conteſt between *Henry* II. and *Becket*. The laity were reduced to a kind of ſlavery by the clergy: whatever outrages they ſuffered from them, they durſt not repel for fear of excommunication (the effects of which were at that time ſo terrible) nor could they expect any redreſs from the laws, ſince the eccleſiaſticks claimed a privilege of being tried only in their own courts; there every thing was carried on with the moſt open partiality; the eccleſiaſticks were only liable to ſlight corrections, and for the moſt heinous crimes puniſhed no further than with degradation, ſhort ſuſpenſion, or ſhort confinement.

It was proved *, there had been above a hundred murders committed by churchmen ſince the king's acceſſion to the throne, of whom not one had been puniſhed ſo much as by degradation.

For attempting to redreſs ſuch an unparalleled enormity, the king and the whole body of peers in parliament, were treated by this haughty prelate with that inſolence, and open contempt of their authority, as fills every reader of this part of our hiſtory with the utmoſt indignation.

Of ſuch conſequence is it at all times to prevent every ſtep, which may inſenſibly tend to procure ſuch wealth and power in the clergy, or any other ſet of men, as may create an independency in them; ſince we ſee a prince of ſo much ſpirit, as *Henry* II. is allowed to be, for endeavouring to retrench that part of eccleſiaſtical uſurpation, which protected criminals from juſtice, forced to attone for this ſo unchriſtian and wicked attempt, by the moſt abject condeſcenſion and ſubmiſſion; though his deſign had the good wiſhes and concurrence of all the nobility in the king-

* *Rapin, vol.* 1. 226. *Tind. tranſl.*

dom,

dom, who at this time groaned under the eccleſiaſtical yoke.

Richard I's was a reign, in which we find very little ſaid of eccleſiaſtical affairs or perſons. That prince was but a few months in *England* after he came to the crown. The accounts of that time chiefly concern that romantic expedition of his to the *Holy-land*, ſo expenſive to his country, and fatal to himſelf in being made priſoner by the emperor.

The tyrannical government of king *John* made the oppoſition, which he met with from his barons, an indiſpenſable duty, they owed themſelves, their country, and poſterity. The temper of this monarch was ſuch a mixture of folly, pride, and meanneſs, that it was impoſſible, but he ſhould embroil himſelf with all ſets of men, however different and oppoſite their intereſts might be. Therefore though the clergy ſeem to have a great ſhare in the events of this reign, we ſhould however carefully diſtinguiſh the motives of their conduct, as well as conſequences of it, from that of the barons. The firſt troubles of importance in this reign were merely eccleſiaſtical. The pope's nominating cardinal *Langton* to the ſee of *Canterbury*, plunged the kingdom into very great

great difficulties and miſery. The king's refuſal to admit him as archbiſhop, brought an interdict on the kingdom; and the clergy were ſo far from being diſpleaſed at this uſurpation in the pope, that thoſe few of them, who would willingly have leſſened the general confuſion occaſioned by the interdict, by continuing to perform the duties of their office, ſuch as reading prayer, burying the dead, and the like, met with continual inſults from the zealots *. This drew upon the eccleſiaſticks the king's utmoſt ſeverity, who ſeized on their lands, impriſoned their perſons, and committed all manner of outrages on them. The interdict was ſoon after followed by an excommunication of the king, and the people were abſolved by the pope from their oath of allegiance.

The nation in general had been ſo much oppreſſed, that the barons took this occaſion to throw off all obedience to king *John*. Had he been a prince in the eſteem of his ſubjects, no doubt they would have greatly reſented this inſult to their ſovereign. But the conſequence was, the king to ſupport himſelf againſt the lords, found himſelf obliged to ſubmit to the holy ſee, whoſe reconciliation was to be purchaſed on no other terms than a

* *Rapin, vol.* 1. *p.* 269.

reſignation

reſignation of his crown after the moſt ignominious manner to the pope, in the perſon of his legate; which he was to receive back, and hold ever after as his vaſſal, and as ſuch to pay a yearly tribute. The general defection of the barons, which followed, though they made a political uſe of theſe troubles, yet was a thing quite diſtinct from them, and founded wholly on principles of liberty. And as the grounds were different, ſo were the conſequences: the firſt rendered the kingdom tributary to the ſee of *Rome*, the latter procured the ſigning of *Magna Charta*, that baſis of the liberty of *England* ever ſince.

It will perhaps be ſaid, that after the reconciliation of *John* to the pope, from which time he condemned the barons oppoſition, and ſent a legate to reconcile the king to the clergy, yet they ſtill refuſed to comply with the terms propoſed, and ſeveral of them adhered firmly to the cauſe of the barons.

But we may with great reaſon conclude the conſideration of their own particular intereſt was what influenced them chiefly on that occaſion; for the reparations ſettled by the * pope for the damages, the clergy had ſuſtained from

* *M. Paris.*

the

the king during the interdict *, fell infinitely ſhort of their real loſſes: for which reaſon they were entirely diſſatisfied at the legate's determination.

Nor can we well imagine, that archbiſhop *Langton*, who, for his own private advancement, could ſuffer himſelf to be made the cauſe of ſo much miſery to the kingdom, and of the moſt ignominious proſtitution of the honour of the *Engliſh* crown and nation, could afterwards act in defence of its liberty, from the generous and diſintereſted motives of public ſpirit.

Nothing could be worſe concerted than the deſign *Henry* III. formed of freeing himſelf from the reſtraint he thought the lords had laid on his father by *Magna Charta*. Inſtead of gaining the clergy to his intereſt, and thereby making them ſubſervient to his deſigns, he not only made them partake of the general oppreſſion of his reign, but ſuffered them to be devoured by the inſatiable extortion of the pope's legates. The king vainly thought all he had to do, was to keep fair with the holy ſee; the pope knew how to make the proper uſe of this temper in the king; and ſince

* *Rapin, vol.* I. *p.* 274.

John's

John's reſignation ſeemed to conſider *England* as a tributary country, which he might plunder at diſcretion. He had now no occaſion for the aſſiſtance of the clergy, who, whilſt they found their account in it, promoted all his deſigns, and exalted his uſurped power. But as the caſe now ſtood, they found a blind complaiſance for the orders of the pope, and his demands of money, would only ſerve to ruin them. They had nothing to hope from the king, who kept no meaſures with them: they beheld with grief all vacant benefices beſtowed on foreigners, inſomuch, that at one time no leſs than three hundred eccleſiaſticks were ſent over. Whoſoever looks into *M. Paris*, will find him every where full of inſtances of the pope's extortion and oppreſſion towards the *Engliſh* clergy, in which the king went hand in hand with him. The clergy were not ſo blind to their own intereſt, as not to be ſenſible it was now their buſineſs to join with the people in condemning *Henry*'s proceedings: accordingly we find through this reign they always ſhewed great backwardneſs in complying with the exactions of the king and pope, and ſometimes they had the reſolution to give them a down-right refuſal, and openly to declare they would no longer ſubmit to ſuch oppreſſions.

But

But that their regard for the intereſt of the laity was no greater than at other times, plainly appears from the open attempts they themſelves made towards ſubverting the laws, which my lord *Coke* mentions in his preface to the *Artículi cleri**. "In the forty-ſecond year of "*Henry* III. *Boniface* archbiſhop of *Canter-*"*bury*, made diverſe and many canons and "conſtitutions provincial, directly againſt the "laws of the realm, and tending to uſurp and "encroach upon many matters which appa-"rently belonged to the common law; but "notwithſtanding the greatneſs of *Boniface*, "and that diverſe of the judges of the realm "were of the clergy, and all the great officers "of the realm, as chancellor, treaſurer, privy "ſeal, *&c.* were prelates, yet the judges pro-"ceeded according to the laws of the realm, "and ſtill kept, though with great difficulty, "the eccleſiaſtical courts within their juſt and "proper limits." We may reaſonably conclude, had the king taken the method, ſome of his more politic ſucceſſors have done, of attaching the clergy to his intereſt, by ſhewing a zeal for their pretended rights, and a readineſs in contributing to the advancement of their riches and power, and had himſelf

* *Second vol. of Inſt.*

only

only plundered and haraſſed his other ſubjects; he would have met with their full concurrence in his deſigns: and all precautions in the laity for the ſecurity of their liberty, would have been cenſured as unwarrantable, and rebellious. For what could not be expected from a ſet of men, whoſe power and wealth were become ſo dangerous to liberty, and their endeavours to encreaſe them ſo ſtrenuous, that, as the great man juſt quoted ſays, it was with great difficulty the laws of the land were reſcued from their all-engroſſing ambition?

In this and the following reign, we may obſerve, how difficult it was by the wiſeſt proviſions and reſtrictions of the law to prevent the clergy from evading ſuch ſtatutes as ſet any bounds to their wealth or power. At the time of ſigning *Magna Charta* by *Henry*, the barons were ſo ſenſible of the dangerous conſequence of the immenſe riches, the church was every day acquiring, that they inſerted a clauſe to prevent the further diſpoſition of lands to religious houſes. But the clergy found ſo many ways to creep out of that ſtatute, and their poſſeſſions continued ſtill to encreaſe ſo faſt, that in the ſeventh of *Edward* I. the ſtatute of mortmain was enacted to the general joy of the people. The words intended to provide againſt their devices are ſo ſtrong, that I will

inſert them here: " * *Quod nullus religioſus* " *aut alius quicunque terras aut tenementa* " *aliqua emere vel vendere ſub colore dona-* " *tionis aut termini,*" (and to prevent all other inventions and evaſions, theſe general words were added) " *aut ratione alterius ti-* " *tuli terras aut tenementa ab aliquo recipere,* " *aut alio quovis modo, arte vel ingenio, ſibi* " *appropriare præſumat, ſub forisfactura eorun-* " *dorum.*"

A man would have thought, ſays my lord *Coke*, that this ſhould have prevented all new devices; but they ſoon found out an evaſion for this ſtatute alſo.

In the progreſs of this reign we ſee the grounds of their oppoſition in the former fully made out by the willingneſs, the clergy ſhewed, in making uſe of the pope's authority, whenever it chimed with their own intereſt: they now made a bull of *Boniface* VIII. † a pretence to exempt them from the payment of any taxes to ſecular princes, without the conſent of the holy ſee; and by ſo doing, openly put themſelves upon a foot of independence on the reſt of the kingdom; and even aſſumed

* *See lord Coke's magna charta, ch.* 36.

† *M. Weſt.* 405. *Walſing. p.* 68.

a ſuperiority, by declaring they were not obliged to join with them in contributing to the public expences.

In the cloſe of this reign, the biſhops give us a further more convincing proof of what I have before ſaid, that hitherto whenever they ſhewed a diſapprobation of any innovations or oppreſſions, it was merely becauſe they had no ſhare in the profits. *Edward*, notwithſtanding the encomiums of ſome hiſtorians, had no leſs fondneſs for arbitrary power than his predeceſſors, though his ſuperior underſtanding made him ſenſible, how neceſſary it was to conceal it; of which he was convinced by the reſolute behaviour of ſome of the barons. However, towards the decline of his life, he began to act with leſs reſerve in that reſpect; and having procured from *Rome* a diſpenſation of his oath, in regard to the two charters, he by virtue of a grant from thence levied the tenth of all eccleſiaſtical revenues for two years; in conſideration of which, the pope reſerved to himſelf the firſt-fruits of all the benefices. Here one would imagine, that the chief men of the clergy were concerned in the greateſt degree to prevent any innovation of this kind, which ſo particularly affected their own body; but in this care was taken, that the biſhops ſhould

have a fellow-feeling, and therefore they quietly ſubmitted to it: for * *M.* of *Weſtminſter* tells us, the pope was induced to this through the covetouſneſs of the biſhops, who ſubmitted to this innovation, on condition that they might enjoy one year's profits of all vacant benefices in their gift. At the ſame time the parliament † ſhewed a more diſintereſted regard for the clergy, than their own heads had done, by prohibiting the collectors to gather the tax, though the power of the king made their prohibitions uſeleſs.

Never was the parliament more ſenſible of the eccleſiaſtical yoke, or more ready to come to reſolutions of putting a ſtop to the papal oppreſſions, than under *Edward* II. But the weakneſs of that king, and the circumſtances he was in, made all their endeavours ineffectual. The clergy were ſo ſatisfied of his weakneſs, and ſo intoxicated with their own pride and power, that they committed the moſt unparalleled inſult and violence to public juſtice, the laws of the realm, and therein to the whole nation. *Adam Orleton* ‡, biſhop of *Hereford*, having been indicted of high-treaſon, for being concerned with *Mortimer* earl of *March* in his open rebellion; the arch-

* *Mat. Weſtm.* 457. † *Rapin.* ‡ *Walſing. p.* 119.

biſhops

biſhops of *Canterbury*, *York*, and *Dublin*, with ſeveral of their ſuffragans, came to the bar, and by force took him away, threatning to excommunicate all that ſhould oppoſe them, and proceed againſt him: and this they did under pretext of the canons * of the church, though the benefit of the clergy, however they had found means of late to extend it, was never allowed to reach to high-treaſon againſt the king. And all this was done in defence of a man the moſt abandoned by every virtue, and of whoſe character nothing can convey a more perfect idea, than his own order afterwards to the keepers of the unhappy *Edward*: "*Edwardum occidere nolite timere* "*bonum eſt.*"

Under *Edward* III. (moſt eminently the beſt and greateſt of our princes, who undeniably deſerves thoſe encomiums given him by hiſtorians, which flattery, or want of diſcernment, made them too apt to beſtow on others) more vigorous methods were taken by the king and parliament, to deliver the nation from the ſo long complained of papal oppreſſions. With that intent the ſtatutes of proviſors and præmunire were enacted: the firſt to prevent the court of *Rome* from diſ-

* *See lord Coke's 2d Inſt. p.* 634, *and* 635.

poſing of eccleſiaſtical benefices contrary to the right of the king, or any other perſon; the ſecond to prevent the ſubjects of *England* carrying cauſes to any foreign or other court, the cognizance of which belonged to the king's courts. However, notwithſtanding theſe precautions, we find the grievances ſtill continued, and the pope exacted as a tax from eccleſiaſtical dignities, "five * times as much as the "tax of all the profits that appertained to the "king by the year of this whole realm." Accordingly we find hardly any meeting of parliament in this reign, in which theſe grievances are not complained of, notwithſtanding the ſtatutes made, and ſo frequently confirmed for preventing them.

Now when we conſider the unanimous and conſtant opinion of both king and parliament on this head, and the vigorous reſolutions, they ſo often came to; can we reaſonably account, why the meaſures taken by them ſhould prove ineffectual any other way than from the timidity or connivance of the clergy themſelves? Both of which I think appear pretty plain. The parliament expreſsly mention the firſt, in ſaying "† the whole clergy

* *Cotton's Parl. Roll.* 50 *Ed.* III.
† *Parl. Roll.* 50 *Ed.* III.

"were

" were ſo obedient to the pope's collector, that " they did not dare diſpleaſe him." And that they did more than barely connive at appeals from the king's courts, contrary to the ſtatute of præmunire, appears, in that they themſelves preſumed to take cognizance of appeals from thoſe courts in their own eccleſiaſtical courts. " And to reverſe judgment given in the king's " courts, to the prejudice and diſheriſon of the " king and commonalty:" as the parliament of the twenty-firſt of *Edward* III. recite in their complaint.

That the parliaments in this reign were no leſs apprehenſive of the power and encroachments of the clergy at home, than of the ſee of *Rome*, appears from the ſeveral parliamentary petitions * and reſolutions on that head. At one time we find them praying the king, that remedy might be had againſt the oppreſſion of ordinaries, and their officers. At another time they made their requeſt to the king that " no † ordinance might be made at " the petition of the clergy without conſent " of parliament, and that no man might be " bound by any their conſtitutions made for " their advantage."

* *Parl. Roll.* 25 *Ed.* III.

† *Parl. Roll.* 51 *Ed.* III.

The clergy had for ſome time paſt intruded themſelves into all the great places of truſt, power, and profit in the ſtate, the civil courts, and king's houſhold *. The lords and commons therefore repreſented to the king, that the realm had long been governed by churchmen, to the great prejudice of the crown; and therefore required, that for the future the great officers of the king's courts might be only laymen.

The juſtneſs of theſe complaints, and of the precautions of the parliament, is fully confirmed by the conduct of the clergy in the following reign. *Richard* II. had not been long on the throne, before they took the advantage of the youth and weakneſs of that prince to procure his conſent to an ordinance for the impriſoning of ſuch, as they ſhould think fit to declare heretics: and this entirely without conſent of parliament, a moſt notorious outrage, if ever there was any, upon the eſtabliſhed conſtitution of this kingdom. But what meaſures would they not take to deſtroy a growing ſect, ſuch as the *Wicliffites*, who propagated principles of ſo damnable a nature, as tended to deſtroy the temporal grandeur

* *Walſing. p.* 186. *& Parl. Roll.*

and

and power of the church? A doctrine that in all ages will never fail being cenſured by moſt of them, as highly heretical. But the houſe of commons were ſo ſenſible of this heinous encroachment upon the rights of the people, that the ordinance was repealed by the king next parliament; and the declaration of the commons on this occaſion had ſo much becoming reſolution and ſpirit in it, that it may not be amiſs to ſet down their own words, "that * it was never their meaning to be juſ-"tified, and bind themſelves and ſucceſſors "to the prelates, no more than their an-"ceſtors had done before them." A reſolution ever worthy to be remembered and followed by all ſucceeding parliaments.

I took notice in the laſt reign, that the continued oppreſſions of the pope, notwithſtanding the repeated reſolutions of the king and parliament againſt them, muſt have been owing to the connivance of the clergy: the following inſtance under *Richard*, is a further and full confirmation of their backwardneſs to retrench any of the pretended prerogatives of the ſee of *Rome*. "The † archbiſhops "of *Canterbury* and *York* for themſelves,

* *Parl. Roll.* 6 *Rich.* II.

† *Parl. Roll.* 13 *Rich.* II.

" and the whole clergy of their province,
" make their ſolemn proteſtation in open par-
" liament, that they in no wiſe meant or
" would aſſent to any ſtatute or law made
" in reſtraint of the pope's authority, but
" utterly withſtood the ſame."

The following proſtitution of the clergy, (an expreſſion aptly made uſe of) and their ſuperior talents in doing with a better grace the very ſame profligate and ſlaviſh jobs, in which the laity have at any time equally concurred, is worth obſerving from a paſſage in an hiſtorian that treats of that reign. When *Richard* II. had at laſt by corruption, or putting out ſuch returning officers, whoſe complaiſance for his deſigns he ſuſpected, got a parliament chiefly packed up of ſuch perſons, as he knew would be at his devotion, (the firſt, if I miſtake not, that was openly procured in that manner;) after the ſeſſion was opened by a time-ſerving ſpeech of the biſhop of *Exeter*, it was propoſed by the king's miniſters, that the acts of grace paſſed nine years before in favour of certain lords, who had oppoſed the king in his attempts upon the public * liberty, ſhould be repealed. The prelates without any heſitation not only gave

* *Walſing. p.* 354.

their

their aſſent, but, by the expreſſion of the hiſtorian, ſeemed to have uſed arguments to ſhew thoſe acts to be revocable: upon which, ſays he, the temporal lords ſeeing the clergy approved of it, gave alſo their aſſent, more induced to it through fear of the king, than any conviction of their minds. Now though their concurrence is abſolutely inexcuſable; yet the reader, I believe, will agree with me in obſerving a manifeſt difference in their behaviour. For the clergy, no reaſon is aſſigned by the hiſtorian, but their forwardneſs in the affair ſeems abandoned like that of men hackney'd in proſtitution; the other have the example of the clergy, and the fear of the king mentioned as determining them. And that I may not be thought to have exaggerated this matter, I will give the reader *Walſingham*'s own words.

" *Hi importunis clamoribus petierunt ut*
" *chartæ perdonationum in primis revocaren-*
" *tur & annullarentur, ſuper quibus requiſiti*
" *prælati de facile indicarunt tales chartas*
" *fore revocabiles, non attendentes quod hu-*
" *jus gratiæ revocatio perſonæ regis maxime*
" *repugnabat; cum miſerecordia ſit ſolii re-*
" *galis confirmatio, & qui tollit miſericordi-*
" *am, tollit ſolii regalis firmamentum. Con-*
" *ſequenter domini temporales videntes aſſen-*

" *ſum cleri, cenſuerunt & ipſi hujus chartas*
" *annullandas, magis timore regis dicti, quam*
" *mentium ratione.*"

Glorious pre-eminence of the clergy, even in a parliament compoſed of men culled out from amongſt the whole people for ſervility and corruption!

Henry IV. a haughty deſigning prince, who though he owed his crown purely to a parliamentary right, yet ever affected to build his claim on other foundations, not only weak, but abſolutely falſe, was ſenſible, that he had againſt him a powerful faction in the kingdom, and that his conduct was ſuch, as could not fail adding to the number of his enemies.

His policy in taking all methods, and being moſt vigilant to ſecure the poſſeſſion of his crown, was the moſt diſtinguiſhing qualification of his genius: and he had too much diſcernment not to ſee, how neceſſary it was for carrying on his ends to have the clergy firmly in his intereſt. That body was now become more than ever wealthy, powerful, and inſolent. Accordingly, *Henry* made it a maxim, to do nothing, which might diſoblige them, but to take every opportunity of teſti-

fying

fying a regard for their intereſt. He knew by that means, however ill he uſed his other ſubjects, he ſhould ſtill preſerve the reputation of a pious prince, zealous for the cauſe and honour of God, which could not but greatly contribute to baffle any oppoſition to his meaſures. The clergy had all along ſo connived at the pretenſions of the court of *Rome*, that the endeavours of former parliaments to put a ſtop to that abuſe, proved ineffectual. The people groaned for a reformation; therefore, though the king was obliged at firſt in compliance with his parliament to revive the ſtatutes of præmunire, yet never was the breach of them more winked at, than in this reign. To give the eccleſiaſticks a more public inſtance of his zeal, *Henry* at their petition procured the bloody act to paſs in parliament for the burning ſuch as they ſhould declare heretics. Immediately the poor *Lollards*, who had incurred their unrelenting diſpleaſure for broaching doctrines repugnant to their temporal grandeur, are without mercy delivered to the flames; and the churches ſound with the encomiums of a king, who had given ſuch unqueſtionable proof of his piety and zeal.

But a parliament, that met ſome time after, had not the ſame complaiſance for the clergy. This

This was that which by way of reproach, they have called the illiterate parliament, repreſenting them as a ſet of men choſen according to the king's private letters, merely on account of their ignorance; an error moſt people ſince, and amongſt the reſt a very eminent man in our law †, has been led into. But theſe letters were in reality writs of ſummons, in which there were directions, in purſuance of a ſtatute made in *Edward* IIId's time, excluding all ſheriffs and practiſing lawyers from being elected: the reaſon of which was, that ſuch procured themſelves to be elected merely to ſerve views of their own, and did not faithfully diſcharge their duty to their country. Inſtead therefore of looking upon this parliament in the light, in which it has been repreſented, we are to conſider it as compoſed of honeſt, diſintereſted country gentlemen, who having no private views to ſerve, came up fraught with the ſentiments of thoſe they repreſented, who impatiently wiſhed to ſee themſelves freed from the eccleſiaſtical yoke.

Accordingly, when the king, laying his neceſſities before them, demanded an aid, they remonſtrated the hardſhip of burthening his ſubjects with further taxes, when at the ſame

† *Pryn's pref. to parl. roll.*

time the clergy contributed nothing to the neceſſities of the ſtate, though poſſeſſed of the third part of all the lands in the kingdom; wallowing, to the neglect of their duty, in luxury and idleneſs: that therefore it was their deſire that his wants ſhould be ſupplied out of the eccleſiaſtical revenues, as not only juſt, and agreeable to the ſentiments of the people, but in the main of real ſervice to the church itſelf.

We may eaſily imagine, what treatment a propoſition of this kind met with from the clergy. The † archbiſhop of *Canterbury*, who was preſent, could not forbear treating the commons in the moſt arrogant and inſolent manner: he even told them in a menacing way, no attempt of that ſort ſhould be offered the church without impunity, and that it ſhould be at their peril if they ſeized any of its revenues; that for his part he would ſooner loſe his life than ſee it deprived of them.

The king, in purſuance of the maxim he had laid down, to keep well with the clergy, took this opportunity to aſſure the archbiſhop of his reſolution to maintain the church in

† *Walſing. p.* 371.

its

its full poſſeſſions, and of his deſire rather to increaſe than diminiſh its ſplendor. The commons, not intimidated by the threats of any dignified church-man, went on and prepared a bill for ſupplying the king's neceſſities out of the revenues of the church; but when the bill came to the lords, they refuſed their concurrence, through the cabals of the biſhops, who had gained a conſiderable party in that houſe, for having oppoſed the commons not long before in a laudable deſign they had of ſupplying the king's wants, by a revocation of ſeveral lands alienated from the crown by grants in the late reign, and ſquandered upon favourites, to the great impoveriſhing of the crown, and burthening the people; which revocation would greatly have affected ſeveral peers, who at that time were in poſſeſſion of ſuch lands. Here we ſee the biſhops, oppoſers in general of every ſtep taken for the eaſe of the ſubject, and treating the repreſentative body of the whole people in parliament with inſolence, ill language, and threats for the attempt.

Though the commons were diſappointed this time in their deſign, yet the grievance was too generally felt, and a redreſs too much deſired by the people for them to ſit down diſmayed at this repulſe. In a parliament aſſembled

bled ſome time after they renewed their former inſtances in regard to the clergy's revenues; the conſequences alſo of the ſtatute againſt the *Lollards* obtained by influence and cabal were now known to be ſo terrible, that they likewiſe deſired a repeal of it; at leaſt an amendment. As to their firſt inſtances, they ſet forth, that the king might eaſily ſeize out of the revenues of the eccleſiaſticks, what would be ſufficient to provide in a moſt ample manner for fifteen earls, fifteen hundred knights, ſix thouſand two hundred eſquires, and a hundred hoſpitals. But they had the mortification to have their remonſtrances meet with no better ſucceſs with the king, who was now more than ever confirmed in his reſolution of being well with the church. Therefore he not only refuſed his aſſent, but did it in a moſt arbitrary manner, forbidding them for the future to preſume to meddle with ſuch affairs*; and as for the ſtatutes againſt the *Lollards*, he was ſo far from allowing any mitigation, that he ſaid he could wiſh they were made more rigorous. To pleaſe the eccleſiaſticks ſtill further with an open affront upon the commons, he affected at that time to ſign a warrant for the burning of a poor *Lollard*, who ſuffered death with great reſolution.

* *Walſing. p.* 379.

If

If the parliament (as *Rapin* ſays) that firſt moved the leſſening the clergy's revenues was ſtiled unlearned, it may well be ſuppoſed this met with no better treatment. The names of *Lollard* and *Heretic* were plentifully beſtowed: they were ſet forth as a ſet of men who were for the deſtruction of religion itſelf. They were however ſo ſenſible of their ill uſage, that upon the king's demanding a power to levy a ſubſidy during life, though the parliament ſhould not ſit, they boldly refuſed it him. The commons would alſo have denied him a ſupply for his preſent occaſions, ſince he had not thought proper to receive it by the methods they propoſed, had not the king forced them to a compliance by the ſame arbitrary manner, which he had ſucceeded in once before; that was, by keeping them ſitting, till the inconvenience of not being diſmiſſed, obliged them to conſent to his demands: a moſt remarkable abuſe of prerogative, and tending to deſtroy all freedom in their reſolutions! But notwithſtanding this, he had done enough in this meeting to be looked upon as the champion of religion, and darling of its prieſts. We find him cried up by them as a prince endued with mildneſs, piety, and every virtue; though whoever will carefully look into that reign, will find his conduct perfectly tyrannical, and

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moſt ungrateful in a prince, who had no other title to his crown than the good-will of the people, and free gift of parliament, whoſe rights he ever tried to ſubvert. To conclude therefore with Mr. *Rapin*'s obſervations on this reign: "When I conſider (ſays he) the exceſſive commendations beſtowed on that prince, I cannot help ſuſpecting, that the glory of being the firſt burner of heretics, and of protecting the clergy againſt the attempts of the houſe of commons, were the main ſprings of all their encomiums. It is well known, the eccleſiaſtics are as zealous in praiſing their benefactors, as in blackening their oppoſers."

No ſooner was *Henry* IV. dead, than the clergy determined to ſecure themſelves for the future againſt all attempts to leſſen their revenues, by taking advantage of the complaiſance, that is uſually met with from young princes in the beginning of their reigns. They did not doubt, but ſuch attempts had been greatly promoted by the doctrine of the *Lollards*. Therefore as thoſe principles were countenanced by ſeveral men of the greateſt rank, and higheſt eſteem of any in the kingdom, they reſolved to lay the ax to the root of the tree, and by boldly attacking the patrons of the ſect, deter all others from preſuming to advance

vance any propoſitions, which they ſhould diſapprove of, that might render them liable to be ſuſpected of *Wickliffite* principles. In purſuance of this reſolution, the archbiſhop of *Canterbury* waited on the king, and repreſented to him the great growth of hereſy, which could not fail drawing down the wrath of heaven on the kingdom; and the glory it would be to a young monarch to begin his reign with engaging in the cauſe of God, by defending the church from heretics, for which heaven would certainly crown all his undertakings with ſucceſs. Thus ſaid *Neſtorius* once to the younger *Theodoſius*; "Give me, "O emperor, the earth weeded from here-"tics, and I in my turn will give you hea-"ven; deſtroy with me the heretic, and I "will deſtroy the *Perſian* with you." The archbiſhop then informed him, that Sir *John Oldcaſtle*, baron of *Cobham*, a domeſtic of his own, was the moſt open abetter of the doctrine of the *Lollards* *; and therefore he deſired, he might be allowed to proceed againſt him with the utmoſt ſeverity and rigour.

The king anſwered him in ſuch a manner, as ſhewed, he was far from approving of force for reclaiming people from errors in religion;

* *Walſing. p.* 383.

but

but however told him, that if he could not by talking to Sir *John Oldcaſtle* reſtore him to the right way, he would then give leave for a proceſs againſt him.

This lord was a man the moſt eſteemed of any in the kingdom, and particularly dear to the king, as *Walſingham* the monk owns, for his conſummate probity. Notwithſtanding, the king finding him unmoveable as to his opinions, no longer oppoſed the clergy's requeſt, and he was accordingly condemned to be burnt, though for ſome time he avoided ſuffering the ſentence by an eſcape out of priſon.

The king in his diſcourſe with the archbiſhop had diſcovered too much moderation in his opinions, for the clergy to be able to have their full deſire upon their enemies, eſpecially as he did not ſeem very ſollicitous to have *Oldcaſtle* retaken. It was their intereſt (ſays *Rapin)* that the king ſhould have other ſentiments more agreeable to the barbarous zeal, with which eccleſiaſticks are generally animated. In order thereto they repreſented the *Lollards* as men, that not only ſought the deſtruction of the eſtabliſhed church and religion, but even of the king's perſon and ſtate itſelf. To confirm him in ſuch a belief, they fathered upon them a more abſurd and ſenſe-

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leſs plot, than ever was invented by the moſt profligate dilatores employed by the cruelleſt of the *Roman* emperors for ſuch purpoſes. The poor *Lollards*, ſince a * proclamation the king had made to ſuppreſs their aſſemblies, had continued their meeting with great ſecrecy in woods, and other unfrequented places in the country for the worſhip of God in their own manner. Upon theſe occaſions ſome of them choſe *St. Giles's fields* near *London* where they thought to be concealed by buſhes, and ſhrubs, that grew there: but being diſcovered by the clergy, the king was immediately told, that *Oldcaſtle* at the head of twenty thouſand *Lollards* were in the fields, with a deſign to kill the king and his brothers, and all the lords ſpiritual and temporal, who were not their friends. Alarmed at this information, *Henry*, who was at *Eltham*, immediately marched to *London* to attack this powerful body of conſpirators. He arrived about midnight, and finding about fourſcore perſons, fell upon them, and killed about twenty, and took moſt of the reſt priſoners. The poor wretches, knowing how liable they were to the inſults of their perſecutors, had unfortunately brought arms with them, which probably ſerved as a pretence to convince the

* *Rapin, vol.* 1. *p.* 507.

king

king of the deſign; and that their accuſation might have the greater weight, means were found by threats or promiſes to prevail with ſome to confeſs the fact, though the abſurdity was unſurmountable to every conſidering man. For inſtead of twenty thouſand to execute ſo great a deſign, there were only a few mean people, with none of great rank; and as for *Oldcaſtle* himſelf, he was not preſent. But it ſeems the clergy gained a great point by it, in rendering the *Lollards* odious to the king, and obtaining a vaſt price to be ſet on *Oldcaſtle*'s head, who was ſoon after taken, and fell a ſacrifice to their malice and cruelty. The whole behaviour of *Henry* towards this great man gives us no advantageous idea of the integrity of that prince, ſince he acted intirely in oppoſition to his own declared ſentiments, and ſacrificed a man, he had the greateſt eſteem for; to which he could have no other motive than to gain the clergy to his intereſt, and to prevent from them any interruption in the ambitious projects, he was probably at that time meditating. As to the pretended conſpiracy, he had too much ſenſe really to credit it, the abſurdity of which, if not at firſt, yet he certainly ſoon after muſt have been convinced of, though he had never the ingenuity to own it, or act accordingly. Sir *Robert Cotton*, in his abridgment of the parliament-rolls, ſpeaking of the parlia-

parliament that met at this time, in which the *Lollards* were ſo perſecuted, makes this remark. "The clergy, at this their own "parliament, ceaſe not to rage and roar af- "ter chriſtian blood, *tanquam leones ru- "gientes*; and whoſoever did the faulr, they "put *John Porter* in the ſtocks, and cried, "*crucify Chriſt, and deliver us Barrabas*; for "now all horrible miſchiefs whatſoever were "imputed to the poor *Lollards*."

Biſhop * *Burnet*, in his hiſtory of the reformation, tells us, the diſingenuous and inhuman way, the clergy had, of dealing with the *Lollards*: "which was in their proceedings againſt "them always to mix ſome capital errors, "which all chriſtians rejected, with thoſe, for "which they accuſed them: and ſome parti- "culars being proved, they gave it out, that "they were guilty of them all, to repreſent "them the more odious," of which he gives us ſome examples.

It was not the *Lollards* alone that in this reign were convinced of the neceſſity of leſſening the revenues of the church: for a parliament, that agreed to the ſevereſt ſtatutes againſt thoſe miſerable people, ſhewed the greateſt ear-

* *Hiſt. of the reformat. vol.* 1. *p.* 29.

neſtneſs

neſtneſs for reducing the clergy within proper bounds.

It was an artifice of the clergy at that time to confound every body, that oppoſed their temporal grandeur, under the general name of *Lollards*, and to render them and their deſigns odious, they repreſented them as acting from heretical principles; in the ſame manner as in a latter reign every man, that diſcovered any zeal for liberty againſt the arbitrary deſigns of the court and church, was branded with the name of puritan. And in this I have the concurrence of the learned author laſt mentioned, who tells us, that "when * the clergy had "their authority fortified with ſuch ſevere "laws, they became more cruel and inſolent "than ever. And if any man denied them "any part of that reſpect, or of thoſe advan-"tages, to which they pretended, he was pre-"ſently brought under the ſuſpicion of hereſy, "and vexed with impriſonments, and articles "were brought againſt him."

But the parliament I juſt now ſpoke of, were ſo apprehenſive of this artifice, that they agreed to every propoſal of the clergy for the extirpation of what was then called hereſy;

* Hiſt. of the refor. vol. 1. p. 27.

ſo that all the pulpits in the kingdom ſounded their praiſes. Therefore, when the commons preſented an addreſs for ſeizing their revenues, they were thunder-ſtruck. There was no having recourſe to their uſual method of repreſenting as *Lollards*, whomſoever they diſliked; ſo that they had no way of diverting the impending danger, but by animating the young king to a war with *France*, and in order to carry it on, to compound for the reſignation of the alien priories. Though of all the numerous and bloody wars, the clergy have engaged the world in, they may be ſaid to have the beſt excuſe for this; yet I cannot think the archbiſhop's ſpeech on the occaſion quite agreeable with the peace making character of a chriſtian divine, howſoever it might have appeared from the mouth of an enterprizing ſtateſman.

From this time to that of *Henry* VIII. the kingdom was ſo much engaged in other * matters, that we have few or no accounts of the proceedings of eccleſiaſticks worth taking up the reader's time. It is probable they would have made great advantages from the weakneſs of *Henry* VI. had not ſo many troubles at court, the war with *France*, and the misfor-

* *Rapin.*

tunes

tunes of this reign, prevented any attention to church-affairs. The ſame reaſons for the moſt part ſubſiſted in the following reigns, which were alſo taken up with domeſtick troubles. As for *Henry* VII. his whole thoughts were ſo employed in maintaining a quiet poſſeſſion of the crown, of which he was beyond meaſure jealous, and on hoarding up money, that he avoided all occaſions of ſuch diſputes, which might have given diſturbance to either.

During the firſt eighteen years of his reign, king *Henry* VIII. was a moſt faithful ſon of the ſee of *Rome*, as the learned author of the hiſtory of the reformation tells us, except in one matter only, which ſeemed to leſſen the greatneſs of the clergy. As this one affair was of very great importance, and will ſerve fully to ſet forth the temper of the clergy at this time, and alſo furniſhes us with a moſt flagrant inſtance of the power they had aſſumed, and their moſt pernicious and inſolent abuſe of that power; I will give the reader as ſhort an account of it, as poſſible, from biſhop *Burnet*, eſpecially, as during the courſe of this affair a ſcene of cruelties came to light towards a perſon, who had offended the eccleſiaſticks, which were nothing inferior to thoſe of the moſt inhuman tyrants.

In the fourth * year of this reign it was enacted in parliament, that all murderers and robbers ſhould be denied the benefit of clergy. Though the reaſonableneſs of this law, one would have thought, was ſufficient to make it paſs, yet to take off all objections there was added, that all ſuch as were within the holy orders of biſhop, prieſt, or deacon, ſhould be excepted; and it was alſo continued in force only till the next parliament. Though this gave the greateſt ſatisfaction to the people, the clergy were ſo offended, that the moſt inferior perſons, who were any ways related to the church, ſhould be proceeded againſt by the laity, that the act by their oppoſition was ſuffered to determine next parliament. But ſee the effects of an ill-judged compliance with whatſoever that body of men ſhall at any time be pleaſed to call their privileges: they were not ſatisfied, that it was ſuffered to expire, but with great audaciouſneſs reſolved to fix a public cenſure on this act of the legiſlature. Accordingly, the abbot of *Winchelcomb* openly preached againſt it at *St. Paul's croſs*.

As this could not fail of making a noiſe, the temporal lords and houſe of commons con-

* Hiſt. of the refor. vol. 1. p. 13.

curred

curred in petitioning the king to ſuppreſs the growing inſolence of the clergy. Upon this a hearing was appointed before the king with all the judges and his temporal council. It will be too tedious to inſert here the particulars of the diſpute, which are to be ſeen in the hiſtory of the reformation: but in ſhort, Dr. *Standiſh*, who was eccleſiaſtical council for the king, maintained his arguments againſt the immunities of the church with ſo much reaſon, and ſo clearly confuted the aſſertions of the abbot, that all the laity preſent were ſo confirmed in their former opinions, that the biſhops were moved to order the abbot to make a recantation of his ſermon in the place, where he had preached it; but they all flatly refuſed to do it, and openly juſtified the aſſertions of the abbot in every point. As this was followed by very great heats in parliament, an affair, that fell out juſt after, made the matter to be proſecuted ſtill more warmly the *Michaelmas* term following.

One *Richard Hunne*, a merchant-taylor in *London*, was ſued in the eccleſiaſtical court by a *Middleſex* clerk for refuſing a mortuary, which the clerk pretended was due to him on account of a child of *Hunne*'s that had died five weeks old. As this ſpiritual court ſat by the legate's authority, therefore was a

foreign court, *Hunne* was adviſed to ſue the clerk in a præmunire. The clergy were touched to the quick at this, and uſed all their arts to faſten hereſy on *Hunne*; and having found *Wickliffe*'s bible in his cuſtody, he was taken up, and put in the *Lollards* tower at *St. Paul*'s, and had ſeveral articles of hereſy objected to him by the biſhop of *London*. On his examination he denied them in the manner charged upon him; but owned he had ſaid ſome things, which might ſeem to tend that way, for which he was ſorry, and aſked God's pardon, and ſubmitted to the biſhop's correction. For this, ſays our author, he ſhould have been enjoined penance, and ſet at liberty. But as he ſtill continued his ſuit in the king's court, he was uſed in a barbarous manner; for ſoon after he was found hanged in the chamber, where he was priſoner. This was given out to be done by himſelf; but when the coroner held his inqueſt on the body, ſo many circumſtances appeared, that made it undeniably evident, he was murdered; upon which the dead body was acquitted, and the murder charged upon the officers of the priſon: and by other proofs, they found the biſhop's ſumner and bell-ringer guilty of it; and by the depoſition of the ſumner himſelf it appeared, that Dr. *Horſey*, the biſhop *London*'s

don's chancellor, and he, and the bell-ringer did murder him, and then hang him up.

At the ſame time the biſhop began a new proceſs againſt *Hunne* for hereſy; of which being found guilty, he was delivered over to the ſecular power to be burnt, which was accordingly done in *Smithfield.* When judgment was given, the biſhops of *Durham* and *Lincoln,* with many doctors both of divinity and canon-law ſat with the biſhop of *London*; ſo that this (ſays our Author) was looked on as an act of the whole clergy, and done by common conſent. The intent of this was to ſtifle all enquiry about the murder; for it was ſuppoſed that when once the deceaſed had been declared a heretic, no man would be ſo bold as to appear for him. But it fell out quite otherwiſe. The city of *London* was enraged to the greateſt degree at the cruelty of the clergy, and made it a common cauſe. That a poor fellow for ſuing a clerk according to law, ſhould be long impriſoned, and at laſt murdered, and the reproach of it caſt upon himſelf to defame him, and ruin his family; and then to burn the dead body that had been ſo uſed, was thought ſuch a complication of cruelties, as few *Barbarians* had ever been guilty of.

So that notwithſtanding the very great pains taken to ſtop the proceedings, and the endeavours of the cardinal to forbid their going on, the thing was ſo foul and evident, that they were ineffectual: and the trial went on, and the chancellor and ſumner were indicted as principals in the murder. *Hunne*'s children were alſo reſtored in parliament.

The convocation, which was now ſitting, finding all this ſtir made, reſolved to call Dr. *Standiſh* to an account; whoſe arguments in the affair before mentioned they thought greatly to have contributed in raiſing this flame. When he was firſt ſummoned, ſome articles were objected to him by word of mouth concerning the judging of clerks in civil courts; but the next day a bill was delivered to him in writing, to which a day was appointed for his anſwer.

Standiſh finding they were determined to oppreſs him, begged the king's protection for what he had done only in diſcharge of his duty, as his counſel: but the clergy pretended to the king, that it was for ſomething he had ſaid in his lectures, which he had read at *St. Paul*'s and therefore begged him to maintain the rights of the church. On the other hand, the temporal lords and houſe of commons addreſſed

dreſſed the king to maintain the temporal juriſdiction, and protect *Standiſh* from the malice of his enemies. Upon this the king appointed the matter to be argued at *Black-friars*, where he ordered his council ſpiritual and temporal, all the judges, and ſome of both houſes to be preſent. I ſhall not relate the arguments on both ſides here; but after the debate all the judges gave their opinion, that all thoſe of the convocation, who did award the citation againſt *Standiſh*, were guilty of a præmunire. The court then broke up. But at another meeting ſoon after, the king having expreſs'd his opinion in favour of *Standiſh*, and that he was reſolved to maintain the rights of the crown and temporal juriſdiction; the archbiſhop of *Canterbury* begged the matter might be ſo long reſpited, till they could get an anſwer from the court of *Rome*, and they would then conform themſelves to the laws of the land in whatever was conſiſtent with the law of God. To this the king made no anſwer then, but upon his command *Standiſh* was ſoon after diſmiſs'd out of the court of convocation. And the king, not willing to break off with the clergy about *Hunne*'s affair, came to this expedient, that Dr. *Horſe*, who had abſconded in the archbiſhop's houſe, (tho' it was pretended he was priſoner there) ſince warrants had been out to apprehend him, ſhould

render himſelf priſoner in the king's bench; where, upon his pleading not guilty, the attorney-general ſhould acknowledge it, and withdraw the indictment; the king thinking he had maintained his prerogative, by bringing him to the bar.

Thus ended this great affair, which though far from giving the people in general ſatisfaction, as they thought juſtice had not been done againſt the criminals; yet it made the pretenſions of church-men appear very weak, and gave all men ſuch a deteſtation of their conduct, as diſpoſed the public to be well pleaſed with the alterations, that followed in this reign, and every attempt towards reducing their power.

It cannot be ſuppoſed, that a clergy with this diſpoſition would countenance any reformation, which at all leſſened their riches or power; accordingly this, which followed in the preſent reign, was entirely againſt the will of the greateſt part of them. It has been juſty obſerved, there was never any reformation, but the clergy was againſt. Indeed what was done in this reign was more properly a few ſteps towards a reformation, than the thing itſelf; and though outwardly moſt of them paid a ſubmiſſion to the king's will in the alterations

tions then made, yet at the ſame time we find them uſing all their artifices to prevent their being carried on to ſuch a length, as ſhould render the breach with *Rome* irreparable. With thoſe views, when they had brought themſelves to own the ſupremacy, yet they ſtill endeavoured to cheriſh in the king a regard for the moſt abſurd doctrines of the *Roman* church. And leſt the few ſteps the king had taken towards a reformation, might encourage the followers of *Luther* to be more open in promulging their opinions, the greateſt arts were uſed to make the king diſcourage them; and therefore we find perſecution never raged with greater violence and injuſtice, than under this reforming monarch.

For the ſame reaſon, and in order to make the clergy leſs ſenſible of the abſurdity of ſeveral doctrines of the church, and of the implicit and ſervile obedience claimed by it, they endeavoured to ſuppreſs the tranſlation of the bible in this reign; for it was their maxim, to uſe the laity, as *Herodotus* tells us, the *Scythians* did their ſlaves, which was to deprive them of their eyes, that they might churn their maſter's milk with more attention.

Therefore, whatever merit there was in accompliſhing the reformation, the clergy have

no pretence to any part of it; and the few of them, that really and with ſincerity laboured to bring it about, of whom biſhop *Cranmer* was at the head, were a very inconſiderable number in reſpect to that whole body.

And ſince I have mentioned that great man, upon whoſe character ſuch encomiums have been made, I muſt here own my opinion, that if we conſider with attention his whole conduct, we ſhall find ſome parts of it, which cannot fail very much to leſſen thoſe ideas, we are at firſt apt to conceive of him.

It is far from my intention to derogate from the merit of a man ſo much celebrated, by making no allowances for the frailties of human nature, from which it would be unreaſonable to expect, that he or any man whatever ſhould be exempt by the ſanctity of his profeſſion: and as ſuch, I am very willing to conſider his recantation in the latter part of his life; and whatever other ſlips he might have been guilty of, which may be allowed to be conſequences of human frailty, are readily to be excuſed, provided they are mere frailties: but we cannot conſider in that light ſome of his actions. The proteſtation, he made at his conſecration*, when he took his oath to

* Hiſt of the refor. vol. 1. p. 129.

the

the pope, was a deliberate act; and however agreeable it might have been to the maxims of canoniſts † and caſuiſts at that time, was very unſuitable to the integrity of his character.

The taking of oaths with reſerved meanings and particular explications, can have no other tendency than to deſtroy all faith amongſt men. And it was formerly obſervable, that the clergy in general too much countenanced the taking of oaths with mental reſervations; though in juſtice to the preſent clergy, ſurely it muſt be owned, they never allow of any private explications in what they ſubſcribe as neceſſary to qualify them for their holy function, or on any other occaſion.

His compliance, as well as that of the whole convocation, with the king's will, in annulling

* In how different a light were oaths conſidered by the ancient heathens, when at *Athens*, one of their greateſt tragedians brought upon himſelf the higheſt indignation of his audience, by putting into the mouth of a worthy character, a ſentiment agreeable to the behaviour of this great and pious divine.

Ἡ γλωσσ' ὀμωμοχ', ἡ δὲ φρὴν ἀνώμοτος.

My tongue has ſworn, but not my mind.

Euripid. Hippol. l. 612.

the

the marriage with *Anne* of *Cleves*, is extremely unjuſtifiable, and not to be excuſed by the fear of incurring the king's diſpleaſure; which, if allowed, will equally juſtify the worſt actions committed at the commands of the moſt unjuſt tyrants. The author of the hiſtory of the reformation ſays, "this * was "the greateſt piece of compliance that ever "the king had from his clergy: for as they "all knew there was nothing of weight in "that pre-contract, ſo they laid down a moſt "pernicious precedent for invalidating all pub-"lic treaties and agreements; ſince if one "of the parties being unwilling to it, ſo that "his conſent was not inward, he was not "bound by it, there was no ſafety among "men more."

And again, "for that argument, that was "taken from the want of conſummation, "they had forgotten what was pleaded on the "king's behalf ten years before, that con-"ſent without conſummation made a mar-"riage compleat.——But as the king was re-"ſolved on any terms to get rid of the queen, "ſo the clergy were alſo reſolved not to in-"cur his diſpleaſure; in which they rather "ſought for reaſons to give ſome colour to "their ſentence, than paſſed their judgment "upon the ſtrength of them."

* Vol. I. p. 281.

But

But what alone is ſufficient to deſtroy the great veneration for *Cranmer*, is the treatment ſome Anabaptiſts met with in the ſucceeding reign. As that young prince *Edward* VI. was entirely under the direction of proteſtant biſhops, we might expect to ſee religion put on a much more amiable face, when its chief reformers were now no longer obſtructed by that great reſtraint and ſubmiſſion, to which they were ſubjected, by the imperious will of the late king. We might expect to ſee the clergy recommending the proteſtant religion by the reaſonableneſs of its doctrines, by gentleneſs, moderation, and diſintereſtedneſs in its teachers, and by the reverſe of a behaviour ſo much complained of in the popiſh church. But alas! we ſhall ſoon find ourſelves miſtaken in thoſe pleaſing hopes. The ſword of perſecution had only changed hands, and, an implicit compliance with the preſent clergy, was likely to be as much claimed, as ever it had been by the church of *Rome*. The young king, in whoſe diſpoſition good-nature was as prevalent as his good ſenſe, was ſhocked at this unexpected behaviour in the proteſtant clergy; and being preſſed to ſign a warrant for the burning a poor frantic Anabaptiſt woman, could not at firſt be prevailed with to

do

do it, "but * thought it a cruelty too like that "they had condemned in papiſts, to burn any "for their conſciences." And when at laſt, by the ſophiſtical arguments of good biſhop *Cranmer*, he was rather ſilenced in his objections, than ſatisfied in his compliance, "he "ſet his hand to the warrant with tears in "his eyes, ſaying to *Cranmer*, that if he "did wrong, ſince it was in ſubmiſſion to "his authority, he ſhould anſwer for it "before God."

It is plain from hence, that perſecution for opinions in religion was never diſliked by our clergy, and we might probably have ſeen it at as great a height in this, as in the ſucceeding reign, had it not been extremely impolitic to furniſh the vaſt number of enemies the reformation then had in the kingdom, with the power of retorting the ſame objection againſt the proteſtant religion, that had been ſo ſucceſsfully urged againſt popery. Indeed it is pretty extraordinary, their policy ſhould ſuffer the clergy to give thoſe open proofs of their diſpoſition which they then did: but it is at the ſame time a very powerful argument of that diſpoſition, ſince neither policy, which generally much governs eccleſiaſtics, nor the

* Hiſt. of the refor. vol. 2. p. 112.

con-

conſideration of what they themſelves had ſo lately felt, could prevail on them entirely to ſuppreſs it, even in thoſe early days of their power. And though the legiſlature has wiſely thought fit to pare their talons ſince; yet in ſome later reigns, when any of our princes have through weakneſs or ill deſigns countenanced their uſurped power, we find it employed with no leſs ſeverity than formerly againſt all, that ſeemed to diſapprove of it; and though they could not extend it againſt the lives of ſuch, yet they have done it to the greateſt degree againſt the liberty of their perſons, their characters, and fortunes.

The ſucceeding reign of queen *Mary*, in which the church of *Rome* was again uppermoſt, is an inſtance of the miſeries of a ſtate governed by a woman, over whoſe paſſions bigotry, and a falſe zeal for religion, had the whole aſcendant. She delivered herſelf up to her confeſſor, "and * was as much addicted "to the humours and intereſts of the clergy, "as they could wiſh." The intereſt of the ſtate was entirely neglected, *Calais*, which had been for ages maintained, and was the laſt monument of our former victories in *France*, acquired at the expence of ſo much

* *Burnet.*

blood

blood and treaſure, was now loſt: and as this properly may be conſidered as a reign of prieſts, we never find one more mean and contemptible.

The reformation, which was re-eſtabliſhed under queen *Elizabeth*, met with the ſame oppoſition from the majority of the clergy, that it had formerly. It would be foreign to the deſign of theſe few ſheets, to enter into an account of the particular ſteps taken in that affair; but it was obſervable, the clergy for the moſt part made it a maxim to give what oppoſition they could to the reformation: but as ſoon as any ſteps towards it were ſettled by parliamentary authority, they choſe to reconcile them to their conſciences, notwithſtanding * the diſapprobation they had expreſſed, rather than quit their preferments. But though the reformed religion may from this reign be ſaid to be perfectly ſettled in the kingdom, we ſhall be very much deceived, if we expect to find any great amendment in its clergy. We ſhall ſoon perceive much of the old leaven ſtill remaining. The ſame purſuit of wealth, power, and independency was ſtill reſolved upon: but as all changes in government produce the ſame in politics, ſo their ſchemes

* Hiſt. of the refor.

for

for the accompliſhment of their deſigns were to be a little altered; and this like ſubtle politicians they did not fail to do.

It now became more neceſſary than formerly for the clergy to pay their court to temporal princes. In order thereto, we ſhall find them deviſing new doctrines pernicious to the happineſs and liberty of mankind, and from being the janizaries of the papacy, as they are aptly ſtiled by a great author, become thoſe of arbitrary power, as we ſhall fully ſee them in the following reign. And the event has proved the prophecy, in a letter imputed to the famous *Machiavel*, but too true, where ſpeaking of the miſeries brought upon mankind, and the corruption of religion by the eccleſiaſtics, which called for a thorough reformation, we find theſe words: "* I would not be underſtood "to diſſuade any from honouring true apoſto-"lical teachers, when they ſhall be eſtabliſhed "amongſt us, and from allowing them (even "of right, and not of alms or courteſy) ſuch "emoluments, as may enable them chearful-"ly to perform the duties of their charge, to "provide for their children, and even to uſe "hoſpitality, as they are commanded by St. "*Paul*. But this I will propheſy, that if

* *Mach. Engliſh* tran. p. 541.

"princes

" princes ſhall perform this buſineſs (meaning " a reformation) by halves, and leave any " root of this clergy or prieſtcraft, as it now " is amongſt us; or if that famous reformer " fled ſome years ſince out of *Picardy* to *Gene-* " *va*, who is of ſo great renown for learning " and parts, ſhall not in his model wholly ex- " tirpate this ſort of men; then, I ſay, I muſt " foretel, that as well the magiſtrate, as this " workman, will find themſelves deceived in " their expectation, and that the leaſt fibra of " this plant will over-run again the whole " vineyard of the Lord, and turn to a diffuſive " papacy in every dioceſe, perhaps in every " pariſh."

Whoever impartially conſiders the reign of *James* I. cannot but diſcover, that the arbitrary notions which that weak and ſelf-ſufficient prince had got into his head, were greatly promoted by the diſcourſes and exceſſive flattery of the clergy: and it was from thoſe principles, all the miſeries this kingdom ſoon afterwards felt, have entirely proceeded.

The doctrine of unlimited paſſive obedience to princes is a plant purely of proteſtant growth; I mean, of proteſtant prieſt-craft: or at leaſt if it had ever a being before in the brain of any enthuſiaſtical or intereſted prieſt,

prieſt, the clergy of the reformed church of *England* may claim the ſole honour of having cheriſhed, and brought it to perfection. How much ſoever the clergy had hitherto contributed towards the oppreſſions of the people, yet we never find they had the impudence to maintain it was a part of religion and their duty to ſubmit to them, till theſe times I am ſpeaking of.

The firſt uſe they made of this diſpoſition in king *James* I. was to render the puritans more obnoxious to him; towards whom already he was far from being well inclined, though he had formerly declared quite the contrary in *Scotland.* Their different opinions in regard to the hierarchy rendered them extremely odious to the biſhops, and they dreaded the growth of their opinions more than thoſe of popery itſelf, as appears by their conduct throughout this reign. The biſhops therefore repreſented the puritans as men, whoſe principles were deſtructive to monarchy, no leſs than to the government of the church by biſhops; a charge, that could not fail confirming a prince of his ſentiments in his averſion towards them.

In a conference * appointed at this time for form's ſake between the biſhops and puritan

* *Rapin,* vol. 2. p. 162.

mini-

miniſters, the archbiſhop of *Canterbury* (a moderate man reckoned, as times went) did not ſcruple to make uſe of an expreſſion of flattery to the king ſo high-ſtrained, as to be almoſt blaſphemous; for, upon the king's replying himſelf to the objections of the miniſters, he cried out, he verily believed it was by the ſpirit of God, the king ſpoke what he then did.

But it was not by words alone, that the biſhops flattered the king, and ſhewed their approbation of his arbitrary principles. Archbiſhop *Bancroft*, like a true high-flying churchman, was reſolved to lead the way in an attempt to make the laws depend on the ſole will of the king. He * therefore in the name of all the clergy exhibited to the king in council articles containing twenty-five pretended grievances, which he deſired might be reformed in granting prohibitions from the civil courts. The archbiſhop could not but know, that in ſuch caſes the judges acted according to the fixed laws of the land; and that if there was any hardſhip in their proceedings, they could not be reformed but by authority of parliament. But the archbiſhop's drift in this conduct was to point out a method to others of applying immediately to the

* See *Coke*'s articuli cleri, 2d inſt.

king,

king, without regarding the parliament, in things, that were undeniably within their juriſdiction; which opportunity, he imagined, king *James* would readily have embraced, by which alſo the clergy would have gained a point, they could not have expected from the juſtice and wiſdom of the whole legiſlature. It is not improbable, but the king might have been gained to their cauſe, had it not been for the unanimous and ſtrenuous oppoſition of the judges, who repreſented the illegality of the archbiſhop's requeſt, and the dangerous conſequences, that might happen from it.

Soon afterwards two books were publicly licenſed; the one wrote by Dr. *Cowel*, profeſſor of civil law at *Cambridge*, and vicar-general to archbiſhop *Bancroft*; the other by one Dr. *Blackwood*, a clergyman, in which were paſſages in favour of the moſt extravagant maxims of arbitrary * power. The firſt laid down theſe three principles.

1*ſt*, That the king was not bound by laws, or his coronation-oath.

* *Rapin*, vol. 2. p. 176.

2*dly*,

2*dly*, That the king was not obliged to call a parliament to make laws, but might do it alone by his abſolute power.

3*dly*, That it was a great favour to admit the conſent of the ſubjects in giving ſubſidies.

Theſe principles were ſo groſs, that even the king found himſelf obliged to forbid the reading thoſe books, by proclamation, in order to prevent the juſtice of parliament upon the authors.

The ſucceſſor of the archbiſhop juſt mentioned, indeed proved a man of more moderation in his principles, than is uſually met with in church men: but as ſuch a temper made him unfit for promoting the deſigns of his brethren, we find him always hated and branded by them. He could not approve of the rigour uſed to diſſenting proteſtants, at the ſame time that the *Roman* catholics were openly tolerated by the king, and winked at by the clergy, contrary to the declared laws of the realm: his * letter to the king on this occaſion, and the freedom he uſes in condemning the diſpenſing by proclamation with the

* *Ruſh.* vol. 8. p. 85.

eſta-

eſtabliſhed laws, will ever redound to his honour; notwithſtanding the perſecution and ill uſage he met with from his brethren, who ſtrove to repreſent him as a puritan; a name at this time indiſcriminately made uſe of, not only towards the preſbyterians, but likewiſe towards all ſuch, who did not approve of the notions countenanced by the king, and propagated by the clergy, nay even towards thoſe, who expreſſed any diſlike of the libertiniſm, or faſhionable vices of the age.

As the fruit of the ſeeds ſown in this reign came to their full maturity in the following one, I will dwell no longer on this than juſt to obſerve, that if the reader pleaſes to ſee a ſpecimen of true prieſtly panegyrick carried on to the moſt ridiculous and fulſome extravagance, he may meet with it in an extract of the ſermon preached at king *James*'s funeral, printed in † *Ruſhworth*.

Under *Charles* I. the ſpirit of our churchmen diſplayed itſelf without reſerve in its moſt lively colours, and ſtript of all diſguiſe whatſoever. By their means *England* was on the brink of being enſlaved by the king, and clergy at the ſame time. The views the church had,

† Vol. 1. p. 160.

manifeſtly appeared as early as the coronation of the king. The form of that ceremony was compiled chiefly by biſhop *Laud*, who officiated as dean of *Weſtminſter* in the room of biſhop *Williams* lately fallen into diſpleaſure, and therefore ſuſpended from that office. I will not trouble the reader with ſeveral ſuperſtitious innovations introduced into the ceremony, which could not but give offence; but will ſet down one paſſage, which ſufficiently ſhews the ſchemes the church had formed.

After the coronation was performed, and the king conducted by the nobility to the throne, this remarkable, and unprecedented paſſage was read to him.

" Stand † and hold faſt from henceforth the " place, to which you have been heir by the " ſucceſſion of your fore-fathers, being now " delivered to you by authority of almighty " God, and by the hands of us, and all the " biſhops and ſervants of God: and as you " ſee the clergy to come nearer the altar than " others, ſo remember that (in all places con- " venient) you give them greater honour, " that the mediator between God and man

† *Ruſh.* vol. 1. p. 200.

" may

" may eſtabliſh you in the kingly throne to " be a mediator between the clergy and laity, " and that you may reign for ever with Jeſus " Chriſt, the king of kings, and lord of " lords."

As the drift of this ſpeech is obvious to every one, who reads it, I ſhall only obſerve what a proſpect there was of the clergy's extending their power to the height of their wiſhes, whenever they ſhould have a prelate at their head (which ſoon after happened) that aſſerted their ſuperiority on ſo public, and ſolemn an occaſion.

Since *Laud* afterwards made ſo conſiderable a figure in this reign, eſpecially in the direction of all eccleſiaſtical affairs, it may not be improper to mention the account given of him, and his firſt appearance in the world in the late reign by archbiſhop *Abbot* his predeceſſor.

" This man (ſay † he) is the only in- " ward counſellor with *Buckingham*, ſitting " with him ſometimes whole hours, and " feeding his humour with malice and " ſpite.

† *Ruſhw.* vol. 1. p. 440.

" His life in *Oxford* was to pick quarrels " in the lectures of the public readers, and " to advertiſe them to the then biſhop of " *Durham*, that he might fill the ears of king " *James* with diſcontent againſt the honeſt " men, that took pains in their places, and " ſettled the truth (which he called purita- " niſm) in their auditors.

" He made it his work to ſee what books " were in the preſs, and to look over epiſtles " dedicatory, and prefaces to the reader, to " ſee what faults might be found in them.

" It was an obſervation, what a ſweet man " this was like to be, that the firſt obſervable " act, that he did, was the marrying the earl " of *D.* to the lady *R.* when it was notorious " to the world, ſhe had another huſband, the " ſame a nobleman, who had diverſe children " then living by her."

We ſhall ſoon ſee the clergy did not fail proſecuting their deſigns with vigour, of which they had made ſo early a diſcovery. The univerſity of *Cambridge*, in the beginning of this reign, in order to make their court to his majeſty, took a public occaſion to offer a notorious affront to the repreſentative body of the whole

whole people, the commons in parliament, by chuſing the duke of *Buckingham*, at that time under an impeachment, for their chancellor. Accordingly we find the commons entertained the higheſt ſenſe of this indignity offered them, as appears in their anſwer to a meſſage of the king's † on this occaſion: though his majeſty's eſpouſing the part of the univerſity prevented their proceeding in a manner, they were otherwiſe inclined to do.

This parliament was no ſooner diſſolved, which happened in a ſhort time, and the king determined to furniſh himſelf with money by loan, and other illegal and oppreſſive methods, but the pulpits ſounded with the doctrine of paſſive obedience, and compliance with the king's commands, without any examination of their lawfulneſs. Parliaments were now ſaid to be only uſurpations upon the unlimited power of ſacred majeſty, which alone was ſufficient to impoſe laws or taxes on the ſubject by its own authority. Amongſt the ſeveral diſcourſes on that head, thoſe of Dr. *Sibthrop* and Dr. *Manwaring* were particularly remarkable. The one preached at the lent aſſizes at *Northampton* a ſermon entitled apoſtolical obedience; in which he ſet forth,

† *Ruſh.* vol. 1. p. 373.

" that * the prince who is head, and makes " his court and council, it is his duty to di- " rect and make laws, *Eccleſ.* viii. 3. he doth " *whatſoever pleaſes him. Where the word* " *of a king is, there is power, and who may* " *ſay unto him, what doeſt thou?*——

" If princes command any thing, which " ſubjects may not perform, becauſe it is " againſt the laws of God, or of nature, or " impoſſible; yet ſubjects are bound to un- " dergo the puniſhment without reſiſtance, " railing, or reviling, and ſo yield a paſſive " obedience, where they cannot exhibit an " active one.

" I know no other caſe, but one of thoſe " three, wherein a ſubject may excuſe himſelf " with paſſive obedience, but in all other he " is bound to active obedience."

Dr. *Manwaring* promoted the ſame buſineſs in two ſermons preached before the king at *Whitehall*, where he delivered for doctrine to this purpoſe, " that the king is not bound to " obſerve the laws of the realm concerning " the ſubjects rights and liberties, but that his " royal will and command in impoſing loans

* *Ruſhw.* vol. 1. p. 423.

" and

" and taxes without common conſent in par-
" liament doth oblige the ſubject's conſcience
" on pain of eternal damnation.

" That thoſe, who refuſed to pay this loan,
" offended againſt the law of God, and the
" king's ſupreme authority, and became guilty
" of impiety, diſloyalty, and rebellion. And
" that the authority of parliament is not ne-
" ceſſary for the raiſing of aids and ſubſidies,
" and that the ſlow proceedings of ſuch great
" aſſemblies were not fitted for the ſupply of
" the ſtate's urgent neceſſities, but would ra-
" ther produce ſundry impediments to the
" juſt deſigns of princes.

For refuſing to licenſe the firſt of theſe ſermons, that archbiſhop *(Abbot)* was ſuſpended. The ſermon was afterwards licenſed by the biſhop of *London.* As for the preachers themſelves, they were ſoon rewarded with conſiderable benefices, and *Manwaring* was even promoted to a biſhopric, though he had been ſentenced by the houſe of lords to pay a large fine, to make a public ſubmiſſion, and declared incapable of holding any dignity.

It was not diſcourſes of this kind only, that were publickly preached, and afterwards encouraged and licenſed by the biſhops; but

we find by a petition of the bookſellers and printers to the * parliament in the fourth year of this reign, that books wrote againſt the fundamentals of the reformed religion, and in favour of popery were licenced by *Laud*, at this time advanced to the ſee of *London*; while books wrote in defence of the eſtabliſhed religion were reſtrained, and of theſe ſeveral inſtances were produced.

Every one, who is at all verſed in the hiſtory of theſe times, cannot but have obſerved, that in order to carry church-power as high as poſſible, the biſhops then affected to make the religion of this country approach as near popery, as they could, without actually declaring for it, or allowing the pope's ſupremacy. As biſhop *Laud* was the chief promoter of the independent power, they were ſtriving for, and had himſelf the direction of all eccleſiaſtical affairs, it would not have been for his intereſt to have eſtabliſhed any other ſupremacy, eſpecially after he became archbiſhop of *Canterbury*; for he then was in a manner himſelf pope, and even affected to be called his holineſs, and moſt holy father, as he was ſtiled by the univerſity of *Oxford* † in many of their letters and addreſſes.

* *Ruſhw.* vol. 1. p. 655.
† *Heylin*'s Life of *Laud*, p. 297.

Beſides

Beſides the licenſing of the books, which I have taken notice of, the many ſuperſtitious innovations introduced at that time into divine ſervice are notable proofs of the affectation of popery, the clergy then diſcovered; of which the conſecration of *St. Catherine*'s church, is a very remarkable inſtance. The the reader may ſee the full account of it in *Ruſhworth* or *Rapin*. The leaſt oppoſition to any of theſe things was an unpardonable crime; which we ſee by the proceſs formed againſt *Henry Sherfield*, recorder of *Sarum*, for only removing by conſent of the veſtry ſome pieces of glaſs from the church-window, in which there was a ridiculous repreſentation of God painted in the form of an old man, with a pair of compaſſes: for which high offence the poor * man was fined, committed to the Fleet, and removed from his recorderſhip, and bound to his good behaviour.

The biſhops were become ſo intoxicated with their darling ſcheme of church power, which they did not doubt to accompliſh, that they ſet up for inquiſitors in their ſeveral dioceſes, by obliging the church-wardens to turn informers concerning the lives and actions

* *Ruſhw.* vol. 1. p. 153.

of their pariſhioners, to which the biſhop of *Wincheſter* obliged them by oath * in his primary viſitation, and thereby committed an outrage on the laws of the land, and juriſdiction of parliament, which alone has power to preſcribe oaths to the ſubjects.

Nor can theſe attempts of the clergy in this reign be ſaid to be only the actions of particular men, and therefore not chargeable upon the whole; the contrary to this appears in that, after the parliament of 1640 was diſſolved, the convocation, in which the whole clergy were repreſented, continued to ſit notwithſtanding contrary to the uſual method; and by their own authority took upon them to make canons, and enjoin an oath, which all graduates and clergymen in the univerſities ſhould be obliged to take; they alſo granted the king a ſubſidy, a moſt public and avowed encroachment on the juriſdiction of parliament.

Theſe proceedings were ſo notorious, that my lord *Clarendon* cannot help condemning them, though he does it with his uſual tenderneſs for the cauſe in which he wrote. "† The "convocation (ſays he) the regular and legal

* *Ruſhw.* vol. 1. p. 186. † Vol. 1. p. 116.

"aſſembly

" aſſembly of the clergy, cuſtomarily begin-
" ning and ending with parliaments, was af-
" ter the determination of the laſt, by a new
" writ continued, and ſat for the ſpace of
" above a month under the proper title of a
" ſynod: made canons, which it was thought
" it might do, and gave ſubſidies out of par-
" liament, and enjoined oaths, which certainly
" it might not do. In a word, did many
" things, which in the beſt of times might
" have been queſtioned, and were ſure to be
" condemned in the worſt." But as impudent as this conduct ſeems to be, it was not at all ſurprizing, ſince the biſhops had ſome time before that ſcrupled publickly to declare their independency on the ſtate in defiance of the laws of the land, and the principles, thereby eſtabliſhed at the reformation, and in violation of their oath of ſupremacy. And this was done, as *Whitlock* informs us, in the high-commiſſion court, at the time that *Baſtwick* appeared there, and was ſo ſeverely puniſhed for writing a book in anſwer to one *Short*, a papiſt, who had maintained the pope's ſupremacy. The author juſt mentioned, relates it thus: " * In the cenſure of *Baſtwick*, all the
" biſhops then preſent denied openly, that
" they had their juriſdiction, as biſhops, from

* *Whitl.* Mem. p. 22.

" the king, for which they might have been " cenſured themſelves in king *Henry* II. and " king *Edward* III's times.

" But they affirmed, that they had their ju- " riſdiction from God alone; which denial of " the ſupremacy of the king under God, king " *Henry* VIII. would have taken very ill, and " it may be, would have corrected them by " his kingly arguments, and *regia manu.* But " theſe biſhops publickly diſavowed their de- " pendance on the king. And the archbiſhop " maintained the book of *Chowney* (who had " wrote a book at this time in defence of the " church of *Rome*) and that the *Romiſh* " church was a true church, and erred not in " fundamentals."

The court of high-commiſſion was now become an unſupportable grievance to the ſubject, not only by a tyrannical exerciſe of power in eccleſiaſtical affairs, but by aſſuming to itſelf an univerſal juriſdiction, by trampling on the laws and the rights of all the civil courts; ſo that the ſubject deprived of his refuge, had no ſhelter to fly to from injuſtice and oppreſſion: and for this I chuſe to quote lord *Cla endon*'s own words, as I am certain, he cannot be thought to have misrepreſented the matter in diſfavour of the clergy.

" Of

" * Of late (ſpeaking of the high-commiſſion " court) it cannot be denied, that by the great " power of ſome biſhops at court, it had " much over-flowed the banks, which ſhould " have contained it; not only in meddling with " things that in truth were not within its con- " nuſance, but extending their ſentences and " judgments in matters triable before them " beyond that degree, that was juſtifiable: and " grew to have ſo great a contempt of the " common law, and profeſſors of it (which " was a fatal unſkilfulneſs in the biſhops, who " could never have ſuffered whilſt the com- " mon law had been preſerved) that prohibi- " tions from the ſupreme court, which have, " and muſt have the ſuper-intendancy over " all inferior courts, were not only neglect- " ed, but the judges reprehended for granting " them (which without perjury they could " not deny) and the lawyers diſcountenanced " for moving them (which they were ob- " liged in duty to do) ſo that thereby the " clergy made almoſt a whole profeſſion, if " not their enemies, yet very undevoted to " them.

" Then it was grown from an eccleſiaſtical " court for the reformation of manners to a

* Vol. 1. p. 221.

" court

" court of revenue, and impoſed great fines
" upon thoſe, who were culpable before them,
" ſometimes above the degree of the offence,
" had the juriſdiction of fining been unqueſ-
" tionable, which it was not, Which courſe of
" fining was much more frequent, and the
" fines heavier after the king had granted all
" that revenue (whatſoever it ſhould prove to
" be) to be employed for the reparation of *St.*
" *Paul's* church; which though it were a glo-
" rious work, and worthy the piety of thoſe,
" that advanced it; and the greatneſs of his
" mind, who principally intended it, made the
" grievance the heavier."

In another place the ſame noble hiſtorian ſpeaking of the animoſities between the lawyers and churchmen, attributes the hatred on the part of the latter to their opinion, that their not enjoying ſo many of the great poſts in the civil government as formerly, was owing to the oppoſition of the lawyers. A true inſtance of the ambition of prieſts, which rather than not gratify, they were ready to deſtroy the laws themſelves. " It * cannot
" be denied (ſays lord *Clarendon*) that the
" peeviſh ſpirits of ſome clergymen have ta-
" ken great pains to alienate that profeſſion

* Vol. 1. p. 241.

" (meaning the lawyers) from them: and " others as unſkilfully (finding that in former " times, when the religion of the ſtate was a " vital part of its policy, many churchmen " were employed eminently in the civil govern- " ment of the kingdom) imputed their want- " ing thoſe ornaments, their predeceſſors wore, " to the power and prevalency of the lawyers, " of whom ſome principal men in all times, " they could not but obſerve to have been " their avowed enemies: and ſo believed the " ſtraitning and confining the profeſſion of " the common law muſt naturally extend " and enlarge the juriſdiction of the church. " Thence aroſe their bold and unwarrantable " oppoſing, and proteſting againſt prohibitions " and other proceedings at law, on the behalf " of the eccleſiaſtical courts; and the procu- " ring ſome orders and privileges from the " king on behalf of the civil law, as the arch- " biſhop of *Canterbury* prevailed with the king " to direct, that half the maſters of chancery " ſhould be always civil lawyers, and to de- " clare, that no others of what condition " whatſoever ſhould ſerve him as maſters of " requeſt."

It is well known that archbiſhop *Laud*, the principal promoter of all the doctrines advanced in this reign, and of the grievances, which

which flowed from them, is even at this day the darling of the clergy, and looked upon as the champion of their rights, and a martyr for the cauſe of religion. The greateſt encomiums have been beſtowed on his memory. And my lord *Clarendon* in his hiſtory ſets him forth, as a man of the higheſt probity, learning, and ſenſe, and ſeems willing to attribute no other fault to him than a little haſtineſs in his temper for accompliſhing his deſigns, occaſioned by the fervency of his zeal for promoting the cauſe of religion, and glory of his prince. But in forming a juſt idea of his character, we need be determined by nothing but the ſhare he had in the tranſactions of thoſe times; and I will venture to affirm, that my lord *Clarendon* himſelf does in ſome parcular paſſages ſay enough of *Laud* to prove, he was far from deſerving that amiable and good character, he ſeems ſtudious to make his reader entertain of him. Whoever reads an hiſtorian in the proper manner, that is, with a view of ſearching out truth, muſt form his judgment of things from the matters of fact ſet down, and not be ſo led away by what the author ſays concerning them, and his reflections upon them, as blindly to adopt his ſentiments and opinions. And I am confident, that to any reader, who will attend without prejudice to the words of that noble hiſtorian

juſt

juſt mentioned, *Laud* muſt appear of a weak and over-bearing temper, apt to be tranſported with the higheſt and moſt indecent paſſion at mere trifles, unforgiving towards thoſe, who had formerly offended him, conſtantly introducing innovations in order to eſtabliſh an independent power in the church, and not ſcrupulous of uſing any methods to increaſe the king's revenues under pretence of promoting the ſervice of his ſovereign. The firſt, and laſt particulars of this charge are ſo very obvious, that I cannot help ſetting down both paſſages relating to them at length. " * The " ſharpneſs of his language and expreſſions " was ſo natural to him, that he could not " debate any thing without commotion, when " the argument was not of moment, nor bear " contradiction in debate even in council, " where all men are equally free, with that " patience and temper, that was neceſſary; of " which they, who wiſhed him not well, would " take advantage, and would therefore con- " tradict him, that he might be tranſported " with ſome indecent paſſion: which upon a " ſhort reflection he was always ſorry for, " and moſt readily and heartily would make " acknowledgment."

* Vol. 1. p. 75.

As to the laſt particular, his conduct, when in the management of the treaſury upon the death of lord *Portland*, is related thus: "Being * obliged to it now by his truſt, he entered upon it with his natural earneſtneſs and warmth, making it his principal care to advance and improve the king's revenue by all the ways, which were offered, and ſo hearkened to all informations and propoſitions of that kind; and having not had experience of that kind of people, who deal in that traffick, (a confident, ſenſeleſs, and, for the moſt part, a naughty people) he was ſometimes miſled by them to think better of ſome projects, than they deſerved: but then he was ſo entirely devoted, to what would be beneficial to the king, that all propoſitions and deſigns, which were for the profit (only or principally) of particular perſons, how great ſoever, were oppoſed, and ſtifled in their birth by his power and authority; which created him enemies enough in the court, and many of ability to do miſchief, who knew well how to recompenſe diſcourteſies, which they always called injuries.

* Vol. 1. p. 75.

"The

" The revenue of too many of the court " conſiſted principally in incloſures, and im- " provements of that nature, which he ſtill " oppoſed paſſionately, except they were " founded upon law; and then if it would " bring profit to the king, how old and ob- " ſolete ſoever the law was, he thought he " might juſtly adviſe the proſecution: and ſo " he did a little too much countenance the " commiſſion concerning depopulation, which " brought much charge and trouble upon the " people, and was likewiſe caſt upon his " account."

We have a remarkable inſtance in this reign, how excellent caſuiſts the clergy are, and what a notable knack they have of diſtinguiſh- ing in caſes of conſcience ſuitably to the ſhape and conveniency of the times. When king *Charles*, being preſſed to paſs the bill for attaint- ing the earl of *Strafford*, diſcovered great un- willingneſs to give his conſent to what, he ſaid, his conſcience told him was ſo unjuſt; he was deſired by his council to confer with his biſhops on that point. Accordingly " * the " archbiſhop of *York*, who was at hand, to " his argument of conſcience, told him there

* *Clarend.* hiſt. of reb. vol. 1. p. 202.

" was

" was a public, and a private conſcience:
" that his public conſcience, as a king, might
" not only diſpenſe with, but oblige him to
" do that, which was againſt his private con-
" ſcience, as a man."

Were I to give a full account, and all the particular inſtances of the miſchievous conduct and behaviour of the clergy in theſe times, it would be taking upon me to write a hiſtory of the reign, which is very foreign from my deſign: for in ſhort, all the troubles in this reign are in the greateſt meaſure to be ſet down to their account. All the innovations in church and ſtate, all the attempts to erect an independency in the firſt, and a tyranny in the latter, were countenanced by their doctrine, and promoted by their actions. And in this I am confirmed by the teſtimony of a great man, whoſe authority in this point cannot be queſtioned, ſince his zeal for the eſtabliſhed church, and his attachment to his prince were ſo great, that he loſt his life in their defence. This is the lord *Falkland*, with part of whoſe ſpeech in the houſe of commons, upon the bill for the excluſion of the biſhops from the houſe of lords, I ſhall conclude my account of this reign.

" Mr.

" Mr. * Speaker, he is a great ſtranger in " *Iſrael*, who knows not, that this kingdom " hath long laboured under many and great " oppreſſions both in religion and liberty; " and his acquaintance here is not great, or his " ingenuity leſs, who does not know and ac- " knowledge, that a great, if not a principal " cauſe of both theſe hath been ſome biſhops, " and their adherents.

" Mr. Speaker, a little ſearch will ſerve to " find them to have been the deſtruction of " unity under the pretence of uniformity, to " have brought in ſuperſtition and ſcandal " under the titles of reverence and decency, " to have defiled our church by adorning our " church, to have ſlackened the ſtrictneſs of " that union, which was formerly betwixt us " and thoſe of our religion beyond the ſea, an " action as impolitic as ungodly.

" As Sir *Thomas More* ſays of the caſuiſts, " their buſineſs was not to keep men from " ſinning, but to inform them, *quam prope ad* " *peccatum ſine peccato liceat accedere:* ſo it " ſeemed their work was to try, how much of " a papiſt might be brought in without po- " pery, and to deſtroy as much as they could

* *Ruſhw.* vol. 4. p. 184.

" of

" of the goſpel without bringing themſelves
" in danger of being deſtroyed by law.

" Mr. Speaker, to go yet further, ſome of
" them have ſo induſtriouſly laboured to de-
" duce themſelves from *Rome*, that they have
" given great ſuſpicion, that in gratitude they
" deſire to return thither, or at leaſt to meet
" it half way. Some have evidently laboured
" to bring in an *Engliſh*, though not a *Roman*
" popery; I mean not the outſide of it only,
" and dreſs of it, but equally abſolute, a blind
" obedience of the people upon the clergy,
" and of the clergy upon themſelves; and have
" oppoſed papacy beyond the ſea, that they
" might ſettle one beyond the water: nay,
" common fame is more than ordinarily falſe,
" if none of them have found a way to recon-
" cile the opinions of *Rome* to the prefer-
" ments of *England*, and to be ſo abſolutely,
" directly, and cordially papiſts, that it is all,
" fifteen hundred pounds *per annum*, can do,
" to keep them from confeſſing it."

I would not be underſtood from any thing I have ſaid of the proteſtant clergy to inſinuate, that their conduct had any neceſſary connection with the principles of our eſtabliſhed religion: but my deſign is only to ſhew the ill conſequence of throwing ſo great a ſhare

of

of power and property into the hands of any ſet of men, as ſhall naturally occaſion them to have a diſtinct intereſt from that of the community. And therefore I muſt obſerve, the preſbyterian miniſters diſcovered no leſs fondneſs for power than thoſe of the church of *England*, or leſs inclination to oppreſs all, who thought differently from them, during that ſhort time, in which they vainly imagined every thing was to be carried on according to thoſe whimſies, they had formed in their heads.*

It is ſurprizing to conſider how little effect the conſideration of the miſeries, this kingdom ſo lately felt, had upon the minds of the clergy after the reſtoration of *Charles* II. It was to be expected, they would have ſhunned with horror thoſe ſteps, which had been found by experience to have expoſed their country to ruin, and have bluſhed at the bare mention of thoſe doctrines, by which they themſelves had been ſo eminently acceſſory thereto.

But compaſſion for the ſufferings of their country, and a regard for the reſt of their fellow ſubjects, weighed very little with them, when put in the ballance with the hopes of preferment

* A very good reaſon this, againſt eſtabliſhing any prieſts whatever, or giving them any power at all. *The editor.*

preferment under a new king, and an irreconcileable hatred to the preſbyterians. They fell into all the maxims and deſigns of an abandoned, licentious and corrupt court, and extolled the juſtneſs and wiſdom of its meaſures.

Nor did they ſhew any greater regard for the religious than civil rights of the kingdom, though the diſpoſition of thoſe, who were neareſt the king, claimed no ſmall circumſpection from them * in that point. And though they could not but be ſenſible of the dangers, which ſo evidently threatned religion from a popiſh ſucceſſor, yet they were the moſt violent exclaimers againſt the bill of excluſion †; and when it came into the houſe of lords, moſt of the biſhops preſent, if not all, voted againſt it: and with ſuch zeal did they run into the humour of the court at that time, that it was obſerved, they fully verified the proverb in the goſpel, "where the carcaſe is, the eagles will be ga"thered together."

Nor was the zeal of the clergy for the deſigns of the court the over-flowings only of an incontinent joy at the king's reſtoration, which might have engaged their whole attention in ſuch a manner, as to prevent ſo early

* *Ratin.* † *Burnet*, p. 482.

a diſcernment of the wrong meaſures then taken; but when the maſk was quite thrown off, and the king, having quarrelled with his laſt parliament, diſcovered his reſolution never to be cramped with one for the future, "* the "clergy particularly diſtinguiſhed themſelves "by ſhewing their attachment to the princi- "ples and maxims of the court, and ſeemed "to make it their buſineſs to ſurrender to "the king all the liberties and privileges of "the ſubjects, and to leave them only an un- "limited obedience. According to the prin- "ciples publicly preached, no eaſtern mo- "narch was more abſolute than the king of "*England.*" The conduct of the late parliaments was arraigned, as ſeditious and treaſonable: and, at the archbiſhop of *Canterbury*'s own † motion, the clergy were made the heralds for publiſhing the reaſons, the king in his declaration pretended he had, for diſſolving the parliament, which was to be read in all churches throughout *England.*

It is ſtrange, how prevalent the moſt abſurd and deſtructive opinions are over the minds of good and wiſe men, when propagated as the general ſentiments of that body,

* *Rapin*, vol. 2. p. 725. † *Burnet*, p. 502.

of which they are members. And of this we have an extraordinary inſtance in a great man, whoſe name I cannot mention on this occaſion without reluctance: I mean, the famous archbiſhop *Tillotſon*, who from his letter to my lord *Ruſſel*, when under condemnation in *Newgate*, the latter end of this reign, appears to have held the doctrine of unlimited paſſive obedience, in the ſtricteſt ſenſe of the words; though afterwards experience of the fatal conſequences, that flowed from ſuch doctrine, it is to be preſumed, made him act upon principles very different from thoſe, into which he had been before miſled; and no one appeared a more ſtrenuous well-wiſher to the revolution, that followed in the next reign.

Since then the prevalency of general opinions may have that force in miſleading more diſcerning and maturer judgments, with what deteſtation muſt we look on the behaviour of thoſe, who having the education of a great part of the youth of the nation, and thoſe too of higheſt diſtinction, committed to their care, ſhould, in order to recommend themſelves to a prince, endeavour to corrupt the raw and uninformed minds of ſuch youth with the moſt ungenerous and ſlaviſh doctrines? This was what the univerſity of *Oxford* did; who,

not

not content with * giving the king a manifeſt proof, by a ſolemn decree, of their own mean and proſtitute compliance with all his deſigns, whatſoever they ſhould be; infamouſly ordered, by the ſame decree, all tutors to inſtruct thoſe under their care in the ſame ſervile notions, that they themſelves had therein expreſſed. What treatment did not theſe betrayers of the moſt important charge, their country could intruſt them with, deſerve from it? Who, inſtead of forming the minds of their pupils, by an early acquaintance with the celebrated authors of antiquity, to an imitation of *Greek* and *Roman* virtues, and of animating them by the nobleſt examples with

* Amongſt other doctrines, theſe following were condemned as damnable, ahd deſtructive to all ſociety, *viz.*

All civil authority is derived originally from the people.

There is a mutual compact, tacit or expreſs, between a prince and his ſubjects; and that if he perform not his duty, they are diſcharged from theirs.

That if governors become tyrants, or govern otherwiſe, than by the laws of God and man they ought to do, they forfeit the right they had unto their government.

There lies no obligation on chriſtians to paſſive obedience; and the primitive chriſtians choſe rather to die than reſiſt, becauſe chriſtianity was not ſettled by the laws of the empire.

Vide *Rapin*, vol. 2. p. 730.

the love of virtue, freedom, and their country; who, inſtead of fortifying their minds with a generous courage, and contempt of death, if ever the public ſervice ſhould require it, taught them to become ſubmiſſive ſlaves of oppreſſion, fit only to execute the will and commands of tyrants.

After the death of *Charles* II. the duke of *York* ſucceeded to the crown with the general appearance of approbation and joy in the clergy, though the principles of his religion had been ſufficiently known; and there was great reaſon to believe, that the wrong ſteps, and violent meaſures taken in the latter end of his brother's reign, were greatly puſhed forward by the natural earneſtneſs of the duke's temper and councils. Theſe conſiderations, one would have thought, ſhould have more particularly obliged the clergy to the greateſt circumſpection and caution in all they ſaid or did, to avoid giving the leaſt countenance to any opinions, which they were ſenſible muſt hurry a prince of *James*'s complexion of mind more precipitately into ſuch deſigns, as his religious, and other principles of courſe inclined him to; and in which they could not but diſcern, he would have no other check than the appearance of difficulty and oppoſition, he might meet with in the accompliſhment of them.

But ſo far were they from uſing any precaution of this kind, that after king *James* came to the crown, unlimited obedience was trumpeted, if poſſible, with more induſtry than ever in the pulpit, and all other places. And how neceſſary, and inſeparable a part they thought it of the chriſtian religion, as eſtabliſhed here, is manifeſt from the inſulting importunity (for ſurely it can be called no other) with which the unfortunate * duke of *Monmouth* was preſſed to acknowledge it on the ſcaffold by thoſe appointed to attend him, who were the biſhops of *Ely*, and of *Bath* and *Wells*, together with Dr. *Teniſon* and Dr. *Hooper*. Nay, ſo careful were ſome of the clergy, that the regal power ſhould not ſeem liable to any reſtraints or limitations, that leſt the king's own gracious promiſes, which he had made at his coming to the crown, might be thought to bind him down to the performance of them, Dr. *Cartwright*, afterwards biſhop of *Cheſter* †, aſſerted in a ſermon, "that the king's promiſes were free donatives, "and ought not to be too ſtrictly examined or "urged, and that they muſt leave his majeſty "to explain his own meaning in them."

* See Dr. *Sachev.* tryal, p. 169.

† *Rapin*, vol. 2. p. 754.

After a view of ſuch principles and conduct hitherto, it may ſeem ſomething ſtrange to find on a ſudden, that the career of this king's illegal proceedings, met with one of the firſt ſtops from ſome of the clergy; this was in their refuſal to read the king's declaration for liberty of conſcience, on account of which, ſeven of the biſhops were committed to the *Tower*. But in this non-compliance with the court (unuſual as it was) they ſwerved not from their uſual maxims of policy. They plainly now began to ſee, that their own intereſt, and the deſigns of the king were no longer compatible. A *Roman*, not an *Engliſh*, popery, as in *Charles* I's time, was now to be eſtabliſhed here. The affair of *Magdalen college* in *Oxford* had opened their eyes to a ſenſe of the danger they run, in being further tools to his deſigns, and that they were likely to hold their eccleſiaſtical poſſeſſions by the uncertain tenure of the king's will. In ſuch a caſe it was impoſſible not to foreſee, that their preferments would be ſoon given from them to ſuch men, who having had their education in the church of *Rome*, would be more relied on by a bigotted king, and who indeed would be more proper to execute the work, he was in ſuch a hurry to accompliſh, than an *Engliſh* clergy, who if they could be diſpoſed to em-

brace

brace his religion, yet could with a very ill grace and ſucceſs be ſuppoſed to propagate it amongſt the people. What was then to be expected, but to ſee large bands of foreign eccleſiaſtics pouring in upon the nation, as in the times of *Henry* III. and the plentiful harveſt, which the king flattered himſelf was now ripe, gathered in by the hands of *French* and *Italian* prieſts? Was it not therefore the cauſe of the church alone, not that of public liberty, nor a regard for the intereſt of the people, that wrought this ſudden alteration in the clergy? The attempts upon civil liberty had remained uncenſured, and unoppoſed, nay were enforced by them on pain of damnation; and none of theſe very biſhops had ſcrupled, or thought it even indecent to publiſh in their pulpits the late king's abuſive declaration againſt the conduct of his parliament, inſomuch that this ſame archbiſhop, who was now one of the ſeven, was the perſon, that propoſed it in council, as has been mentioned above. So uſed had king *James* been to hear an abſolute obedience to his commands preached up by the clergy, and to meet with a full compliance with them in other matters, that on this oppoſition he very naturally ſaid, "I * did not "expect this from the church of *England*, "eſpecially from ſome of you."

* *Rapin*, vol. 2. p. 763.

Behold now the clergy all at once running counter to thoſe doctrines of their own broaching, which they had with ſo much vehemence maintained, and becoming guilty of what they themſelves had ſo very lately denounced the heavieſt cenſures and damnations againſt, both in their particular ſermons and diſcourſes, and in their more ſolemn and public decrees! This is their ſo much boaſted ſtand for the liberty of the people! This, their ever-memorable conduct!

When ſoon afterwards the nation was under a neceſſity of calling in the prince of *Orange* for the preſervation of their rights, though the clergy thought proper to ſwim with the ſtream, yet we ſee how awkwardly moſt of thoſe ſhifting motley politicians came into what they were conſcious was entirely contradictory to thoſe maxims they had ſo avowedly inculcated: nor had king *William* been long on the throne, before a diſappointment in thoſe preferments, many of them expected, or a relapſe into thoſe doctrines, over which they could no longer bear to wear the maſk, made them return, like the dog to the vomit; giving great reaſon to ſuſpect, that too many amongſt them would gladly have ſeen the nation again expoſed to its former perils by a reſtoration,

reſtoration, with the aggravation of having taken the oaths of allegiance to king *William*, and abjuration of *James*.

With this remarkable period in our hiſtory I ſhall cloſe the preſent account, as the behaviour of the clergy ſince that time is ſo known, and freſh in the memory of every one, that it will be needleſs for me to ſay any thing of it here.

And as I have had no other inducement in laying this before the public, than a ſincere zeal for the liberty of all my fellow ſubjects againſt every oppreſſion of what kind ſoever; ſo if in this attempt any miſtake has been committed (though I am not conſcious of any at preſent) I ſhall always be ready ingenuouſly to acknowledge it.

17 JY 60

AN

ANSWER

TO THE

Country Parſon's Plea

AGAINST THE

QUAKERS Tythe-Bill.

IN A

Letter to the Right Reverend Author.

By a Member of the Houſe of Commons.

The real Author Lord HERVEY.

From the ſecond Edition corrected, printed 1736.

BRITISH MUSEUM

AN ANSWER TO THE Country PARSON's PLEA, &c.

Very Reverend,

A Pamphlet hath been delivered at the doors of both houſes of parliament, and ſent under the franks of diverſe of my lords the B——ps to the parochial clergy, entitled, PAPERS RELATING TO THE QUAKERS TYTHE-BILL, *viz.*

1. *Extracts from the yearly epiſtles of meeting of Quakers held in* London, *in relation to Tythes.*

2. *Remarks upon a* Bill *now depending in parliament,* to enlarge, amend, and render more effectual the laws now in being, for the more eaſy recovery of tythes, church-rates, oblations, and other eccleſiaſtical

fiaſtical dues, from the people called Quakers; *And alſo, remarks upon a printed paper*, entituled, *The caſe of the people called Quakers.*

3. THE COUNTRY PARSON's PLEA AGAINST THE QUAKERS TYTHE-BILL, *humbly addreſſed to the commons of* Great Britain *aſſembled in parliament.*

4. *The caſe of the people called* Quakers.

The method of bundling up theſe papers is particularly to be noted,

For that,

The BILL, though much inveighed againſt, is not regularly *opened* in them; and

The CASE, which is the ground of the debate, is printed *at the end* of the papers deſigned to confute it, which ſeemeth, as if the compiler intended to prejudice the reader againſt both the *bill* and the *caſe*, before he ſhould read either.

So very unfair a procedure deſerves animadverſion; and,

This anſwer is directed to the author of the *country parſon's plea*, and not to either of his

his collegues, becauſe I would not be charged with deſigning to expoſe the *nakedneſs* of a father, or with deriding the dotage of a *mother* in the church;

I would not be charged with directing my anſwer either to the *lighteſt*, or the *heavieſt* of the triumvirate, whilſt there is *one* to be animadverted upon, whoſe parts and capacity have raiſed him above contempt, even in ſpite of his *ſowſing* * proſtitution —— of whom the cauſe of liberty and virtue might fear as much miſchief, as he is known to bear malignity to it, were not his *abilities* ſo happily qualified by his *reputation*, that the moſt impotent cannot be more harmleſs.

This *country parſon's plea* addreſſes itſelf to the commons of *Great Britain*, in a manner ſeemingly humble, modeſt, and fair.

1. 'It is preſumed, *ſays the author*, that 'it can be no offence for the meaneſt to offer 'reaſons to the greateſt;

2. 'Nor a reproach to any man to have 'a reaſonable concern for his own property.

* A phraſe uſed by lord *Bolinbroke* in his character of a certain prelate: *Vid. Diſſertation on parties.*

3. 'Truſt-

3. 'Truſting to theſe preſumptions, I 'make bold, *&c.*'

This ſpecious preamble might induce us to believe,

That this country parſon is humbly ſubmitting his caſe to an houſe of commons better informed:

And not that it is the fact in this, as in every inſtance where a bill for the reformation of the church is brought into parliament, that one or two *venerable ſages* draw up an invective againſt the bill before it hath had a ſecond reading, and ſend it *franked* by the poſt to the clergy through the kingdom, to raiſe a clamour from their pulpits againſt the proceedings of parliament.

This invaſion of the rights of the *houſe of commons* hath been ſo amply practiſed by their *ſpiritual L——ps*, that circular letters to the clergy of the ſeveral dioceſes and of the two univerſities have been iſſued, under covers inſcribed with R. R. *Names*, on the bringing in of bills in three ſeveral years, *viz.* Firſt, the *Tythe-Bill*, 1731, next, the *eccleſiaſtical*

court

court Bill, 1733, and laſtly, the *Quakers tythe*-bill now depending.

With inſolence ſtill more alarming, the perſons who iſſued thoſe letters have as openly *menaced the members* who brought in thoſe bills; threatning to oppoſe them in ſubſequent elections with the weight of church influence, which that it hath intimidated the *worthy members* I preſume not to believe, I am ſure it ſhall never intimidate me; but if the fact be enquired into, there are not wanting thoſe who will make it fully appear.

Not that any one laments to have heard theſe menaces ſo frankly poured out againſt the *members*, becauſe if that *venerable body* oppoſe their intereſt in the lands of *England* againſt the rights of an *houſe of commons*, it will ſpeedily move the wiſdom of parliament to check the exorbitance of that power which is ſo bold with their liberties.

Whatever ſhall threaten the repreſentatives of the people in the free exerciſe of their nobleſt prerogative, the *redreſs of grievances*, muſt ſtrike at the life of their authority and reputation: and moſt infamouſly treats them as a body of men called together for the buſineſs

of

of *taxing*, and not at all for the *easing* of the subject:

As if the commons of *Great Britain* were in duty bound to grant money, for building of *churches* and repairing of *abbies*, but were without a competent jurisdiction to examine abuses committed by the clergy in their suits for *tythes* and *dues*, and for *more than their due*.

This, absurd as it is, will be found to run through the *plea* before us, as a principle on which the establishment of church and state is founded, and without which the clergy can have no maintenance.

'It is, says the *plea*, a reproach to no 'man to have a reasonable concern for his 'own *property*.'

And the whole argument treats the bill as a violation of the *parson*'s property, because it directs in what manner he shall sue the layman for *tythe*.

This is contrived to enflame the clergy against the house of commons, as robbing churchmen of their *property*.

But

But I think the word *property* was never leſs warrantably uſed, than it hath been on this occaſion.

The tythes of the clergy, are the wages, which, as ſervants of the public, they receive from the bounty of the laws; and their right in thoſe tythes ariſing purely from the *grace*, their remedy in ſuing for them muſt depend wholly on the *will* of the legiſlative power.

A layman's freehold accrues to him by inheritance from his father: a churchman's freehold accrues to him by the gift of the public, on ſuch conditions, as are or ſhall be declared to qualify the tenure of the poſſeſſion, or the recovery of any rights incident to it.

By non-compliance with theſe conditions, as declared in a ſingle act of parliament, *i. e.* the laſt *uniformity-act*, thouſands have been deprived in a year, not only of their tythes, but their churches, with the high approbation of all zealous churchmen.

And I muſt ſay, for the reputation of the ſufferers in that caſe, that as ſenſible as they were of their hardſhips, they had greater modeſty

deſty than to call that a *property* which they knew to be only a *truſt*:

Nor would it have been endured; and much leſs, that, knowing their poſſeſſions to be held of this *public donation*, they ſhould have had the inſolence to treat any intereſt incident to their poſſeſſion, as a matter of *property*, not belonging to the diſpoſition of parliament.

Every private intereſt, even rights of inheritance, muſt be governed by the conſideration of public intereſt. *Salus populi, ſuprema lex.*

And, nothing can be more inſolent or incongruous, than to challenge the donations of the public, as a property not to be reformed for the convenience of the public.

No free ſtate, no wiſe people, ever ſuffered ſuch a doctrine to paſs unreproved. The *Agrarian* laws of the ancient republics in direct contradiction to it, ordained the equal diſtribution of lands, and reformed the grievance of *exceſſive property* by limiting and reſtraining the poſſeſſions of their ſubjects.

The laws of *England* are not without the ſtrongeſt declarations of the ſame wiſdom in our legiſlators; the *reformers of our church*, to their

their honour be it ever remembered, were the men who avowed this power of retrenching *enormous* property to be the prerogative of parliament.

The act concerning *Peter Pence* and diſpenſations, 25 *Hen.* VIII. *cap.* 15. hath this remarkable preface.

'WHEREAS, It ſtandeth with natural 'equity and good reaſon, that in all and 'every laws human, made within this realm, 'or induced into this realm by ſufferance, 'conſent, and cuſtom ——— your royal ma-'jeſty, and your lords ſpiritual and temporal, 'and commons, repreſenting the whole ſtate 'of your realm, in this your moſt high court 'of parliament, HAVE full power and au-'thority, not only to diſpenſe, but alſo to au-'thoriſe ſome elect perſon or perſons, to diſ-'penſe with theſe and all other human laws in 'this your realm, and with every one of them, '*as the quality of the* perſons *and* manner *ſhall* '*require*; and alſo the ſaid laws and every one 'of them to abrogate, amplify, or diminiſh, 'as it ſhall be ſeen unto your majeſty, and 'the nobles and commons of your realm, pre-'ſent in your parliament, meet and conve-'nient for the wealth of your realm.

'And

'And becauſe that it is now in theſe days 'preſent ſeen, that the ſtate, dignity, ſuperio-'rity, reputation, and authority of the impe-'rial crown of this realm, by the long ſuffe-'rance of *unreaſonable and uncharitable uſurpa-'tions and exactions*, practiſed in the times of 'your moſt noble progenitors, is much and ſore 'decayed and diminiſhed, and the people of 'this realm thereby impoveriſhed, and ſo or 'worſe be like to continue, if remedy be not 'therefore ſhortly provided:

'It may therefore pleaſe your moſt *noble 'majeſty*, &c. (to take away *Peter Pence* and 'payments to the ſee of *Rome*.)'

This act provided againſt the claims of foreigners; we ſhall in the next inſtance ſee how our anceſtors dealt with the claims and *pretended* properties of churchmen WHO WERE NATIVES.

The act for ſuppreſſing of monaſteries, which had not lands above 200 *l.* by the year (27 *Hen.* VIII. *cap.* 28.)

DECLARES,

'The lords and commons by a great 'deliberation finally be reſolved, that it is and

'ſhall

'ſhall be much more to the pleaſure of al-
'mighty God, and for the honour of this realm,
'that the poſſeſſions of ſuch religious houſes
'now being *ſpent, ſpoiled, and waſted for in-*
'*creaſe and maintenance of ſin,* ſhould be uſed
'and committed to better uſes; and the *un-*
'*thrifty* religious ſo ſpending the ſame, to be
'compelled to reform their lives; and there-
'upon moſt humbly deſire the king's highneſs,
'it may be enacted (*to ſuppreſs them.*)

To this act *for ſuppreſſing the leſſer eccleſiaſtical foundations,* ſucceeded ſoon afterwards the general ſurrender and diſſolution of all the monaſteries in the kingdom, when ſo many *impropriations of tythe* became *lay-fees,* and were alienated from the church by authority of parliament.

Whoever reads theſe acts, will find, 1. That the regulation of eccleſiaſtical property is ſo far from contradicting, that nothing can be more natural to the genius of this free kingdom;

2. That ſuch regulation of property in the church, is the only means by which any people can obtain a reformation of religion.

3. That the parliament of this kingdom, in diveſting the church of thoſe *impropriations*

of tythe, did not allow churchmen to have any *property in tythe*;

And, 4. That if the legiſlature now in being, proceeding in the ſame courſe as our *firſt reformers*, ſhould think it expedient to aboliſh *all tythes* remaining in the church, or to convert it into lay-fees, they could not want a full and proper warrant from the acts of their predeceſſors, ſo long as the acts for non-payment of *Peter Pence*, and for ſuppreſſing of *monaſteries* ſhall remain in the ſtatute-books.

But we are not debating the queſtion, whether tythes ought to be continued: the quakers (as a people who think them to be aboliſhed by the goſpel of Chriſt, and not lawful by the principles of religion *for them* to pay) deſire the authority of parliament to be in ſuch manner interpoſed, that ſo long as they are *levied* upon them, it may be in the leaſt oppreſſive courſe, and by the moſt ſummary proceſs.

The *houſe of commons*, in compaſſion to their grievances, with the moſt unanimous, chearful, and ready conſent, ordered a BILL to be brought in, *to enlarge, amend, and render more effectual the laws now in being, for the more eaſy recovery of tythes, church-rates and oblations, and*

and other eccleſiaſtical dues from the people called Quakers.

The bill, by their command, hath been printed.

It recites:

'That by an act, 7 & 8 of *W.* III. a remedy is provided for the recovery of tythes 'and church-rates, not exceeding the value 'of *ten pounds*, where Quakers refuſe to pay 'them;

'That by another act, 1 *Geo.* I. the ſaid 'remedy is extended as well to tythes as to all 'other rights, dues, or payments from any 'Quakers belonging to any church, chapel, or 'the miniſter or curate thereof:

And it further recites,

'That it may be convenient to extend this 'proviſion to a further ſum.

It therefore enacts,

'That where any Quakers ſhall refuſe to 'pay or compound, any two or more juſtices 'of the peace (other than ſuch juſtice as is pa-

'tron of the church, or intereſted in the tythes)
'upon complaint of the parſon, or proprietor,
'or collector, ſhall ſummon ſuch Quaker to
'appear before them, and either upon appear-
'ance or default of appearance (ſuch ſummons
'being duly proved upon oath) ſhall proceed
'to hear the complaint, and to ſtate what is
'due, and by order under their hands and
'ſeals to direct the payment thereof, ſo that
'the ſum ordered do not exceed (a ſum to
'be limited by this bill;) and ſhall order
'reaſonable coſts not exceeding (a ſum to
'be limited by this bill;) and upon the re-
'fuſal of ſuch Quakers to pay according to
'ſuch order, it ſhall be lawful for the ſaid
'juſtices by warrant, to levy the money by diſ-
'treſs and ſale of the goods of ſuch Quakers, ren-
'dering the overplus (the neceſſary charge of
'diſtreſs being thereout firſt deducted.) And
'any perſon finding himſelf aggrieved by this
'judgment may appeal to the next general
'quarter ſeſſions, and the juſtices there pre-
'ſent ſhall proceed finally to hear and deter-
'mine the matter, and to reverſe or affirm
'the ſaid judgment; and if they continue
'the judgment, they ſhall give ſuch coſts a-
'gainſt the appellant as they ſhall think rea-
'ſonable; and no *certiorari* or writ from
'any court ſhall remove or ſuperſede their
'proceedings.

It is further enacted, 'That if the annual 'value of ſuch tythes or dues doth not ex- 'ceed the ſum (to be limited by this act) no 'Quaker ſhall be ſued in any other court or 'manner, unleſs the title of ſuch tythes ſhall 'be in queſtion;

'And that if the perſon againſt whom 'ſuch judgment ſhall be had, ſhall remove out 'of the county, diviſion, or corporation, after 'ſuch judgment, the juſtices who made the 'order ſhall certify it to any juſtice of ſuch 'place to which the ſaid perſon ſhall be re- 'moved, which juſtice is authorized to order 'ſuch ſum to be levied on the goods and chat- 'tels of ſuch perſon, in the ſame manner as 'the other juſtices might, if ſuch perſon had 'not been removed.

'Provided always, that no diſtreſs ſhall 'be exceſſive or unreaſonable, but proportion- 'ed, as near as may be, to the value of the 'ſum.

'Provided alſo, That where any Quaker 'complained of, for ſubſtracting, with-hold- 'ing, or not paying, or compounding for ſuch 'tythes or dues, ſhall inſiſt upon any pre- 'ſcription, compoſition, or *modus decimandi*,

'exemption, diſcharge, agreement, or title,
'whereby he ought to be freed from the pay-
'ment in queſtion, and ſhall deliver the ſame
'in writing to the ſaid juſtices, that then they
'ſhall give no judgment in the matter, but
'that the perſons complaining ſhall be at li-
'berty to proſecute in any other court, as if
'this act had not been made.

'And it is enacted, That ſo much of the
'before recited act as relates only to the reco-
'very of tythes or dues ſhall be repealed;

'And that any perſon ſued for any thing
'done purſuant to this act, may plead the ge-
'neral iſſue, and on that, or any other, give
'this act and the ſpecial matter in evidence;
'and if a verdict or judgment ſhall be for the
'defendant, or if the plaintiff be nonſuit, or
'diſcontinue the action, the defendant ſhall re-
'cover [treble] coſts; and no ſuit ſhall be
'commenced for any thing done purſuant to this
'act, unleſs it be brought within a limited time
'after ſuch cauſe of action ariſes.

'And laſtly, This act is declared to be a
'public act.

This is the tenor of the bill:

A bill, which by a peculiar fate, no ſooner was brought into parliament, than it united cer-

tain

tain right reverend prelates in the cloſeſt combination againſt it; and *they*, whoſe reciprocal hatred was as fierce as the rivalſhip for power which occaſioned it was unchriſtian and ſcandalous, at once laid aſide their animoſities to oppoſe this moſt reaſonable bill; dreadfully collecting the force of their abilities in a formidable pamphlet, after having in their *feuds for ſupremacy* been hardly prevailed on to ſupport the provocation of each other's company.

From this unexpected alliance, hath ariſen the clamour of the *country parſon* againſt this bill; a clamour indefatigably promoted, but by nothing more ſucceſsfully than by the words of the plea, *viz.*

'As I am a ſubject of *Great Britain*, as 'well as a miniſter of the goſpel, I have a '*birth-right in the law*, and in having all 'queſtions relating to my property determined 'in the methods of juſtice uſed in this king-'dom, and not referred to an arbitrary deci-'ſion. *Nulli negabimus juſtitiam*, is the lan-'guage of *magna charta*.'

This is a ſuggeſtion, that the bill deprives the clergy of their birth-right in the law, that it ſubjects them to a determination of property not uſed in this kingdom, that it refers them to

an arbitrary deciſion, and denies them the juſtice which is promiſed by *magna charta*.

Some of theſe complaints appear upon examination to have no meaning, and others to have no force; that is, they might be objections, did not they want the foundation of truth.

The allegation of the clergy's *birth-right in the law*, as applicable to the affair of tythes, would make a ſtranger imagine, that either they were born with the *indelible* character upon them, or that every prieſt had inſtitution and induction of a benefice, even *in his mother's womb*.

If the tythes, if the dues, if the maintenance which is now paid to the clergy, were entirely taken away, they would loſe no birth-right which they have in the law; they might loſe the benevolence which they receive from the law, and which the legiſlature have the ſame right to reſume, as ever they had to eſtaliſh, if the ſame reaſon which induced the grant ſhould require the reſumption; if *public good* ſhould call upon them to reverſe what their anceſtors conſented to from no other conſideration.

But

But the bill hath not propoſed the taking away of their maintenance. It gives them ſuch methods of ſuing for it, as may be leaſt vexatious in the proceeding, and leaſt oppreſſive in the end: a method of recovering their maintenance, which may not conſume the ſubſtance of thoſe whoſe labour maintains them.

This recovery being given by the judgment of two juſtices of the peace in the county where the complaint ariſes, or, upon appeal by the general quarter-ſeſſions of the county ——— by what colour or pretence can ſuch accuſations be brought againſt it?

The words of the great charter, *nulli negabimus juſtitiam*, are ſpoken by the king, who is ſuppoſed (ſays the lord *Coke*) to be preſent in his courts of juſtice, declaring, *we will deny juſtice to no man.*

The words intended, that the ſubject ſhall have reſort to a certain court wherein he ſhall be determined; and not that he ſhall ſue in every court according to his fancy:

Otherwiſe, he might ſue in the high court of parliament for the ſum of *ſix* and *eight pence*; for, doubtleſs, the king is preſent as

well there as in any inferior court, and is ſpeaking the ſame words, *nulli negabimus juſtitiam.*

The words then give no man a right to be heard in what court he pleaſes, but in ſuch as ſhall be appointed him;

And this is the *only* birth-right, which either clergy or laity can pretend to have in determinations of queſtions relating to their property.

If the court of chancery by injunctions ſhall ſtay proceedings in the courts of common law; if the courts of common law by prohibitions ſhall ſtay the proceedings of eccleſiaſtical courts, is the juſtice promiſed by *magna charta* denied to the party who may not proſecute in thoſe courts?

——— No: for, he is not to have the advantage of *law* contrary to good *conſcience*; nor is any man to ſue in an improper court, nor any court to have cognizance of an improper cauſe.

And if the courts of common law comprehend, within their juriſdiction, the full view and ſuperintendancy of the eccleſiaſtical courts;

if

if the courts of equity have the ſame compaſs in reviewing and ſuperintending the courts of common law, with power to abridge and reſtrain their proceedings as juſtice may require;

Hath not the legiſlative power, the parliament of the kingdom, *ſupreme cognizance* of all courts and methods of recovery, with like power to reſtrain ſuits, as they ſhall ſee cauſe?

By *magna charta* the king is ſworn to *deny no man juſtice*, to *delay no man juſtice*, &c. that is, he is ſworn to *execute* the laws.

But is the parliament bound not to alter the laws, or not to amend, explain, and repeal them, as the good of the kingdom ſhall require?

The king, as *chief magiſtrate*, is under this reſtraint; in this capacity he cannot have cognizance of public convenience: but the king, lords and commons, as *legiſlators* cannot be reſtrained. They muſt provide for *public convenience*, as ſuperior to all other conſiderations: ſo that to limit *parliamentary power*, as if it were *regal* power, is incongruous with legiſlation, and not to be charged on the words of the *great charter*.

If therefore the *country parſon* is enabled by parliament to ſue in any *certain court*, and may receive a determination according to the uſage thereof; juſtice is *not denied him.*

The words of *the plea*, in ſetting forth the hardſhips which the *parſon* muſt ſuffer from this bill, ſuggeſt, that the power of juſtices of the peace to determine queſtions of property without appeal, is a method of juſtice not uſed in this kingdom:

A ſuggeſtion ſo falſe, and ſo fully to be diſproved by every day's uſage, grounded on the laws of the kingdom made under many kings, that, I will charitably hope, the author of the *plea* rather forgot than concealed the facts which confute him.

It is a method of juſtice uſed in queſtions of property between the king and the ſubject, where the public revenue and the trade of the kingdom are concerned, and where the value of the property in queſtion muſt, beyond all comparative proportion, exceed the value of the whole tythe of the kingdom.

Thus the ſtatute 12 *Car.* II. *cap.* 24. gives the general quarter ſeſſions of the county power

to

to adjudge, to levy, mitigate, compound, or leſſen the forfeitures and penalties of perſons offending againſt the laws of exciſe.

And no *certiorari* ſhall ſuperſede their proceedings, or any of their orders relating to exciſe.

By the 14 *Car.* II. *cap.* 11. any juſtice may commit perſons hindering officers of the cuſtoms in the execution of their offices; and the juſtices at the quarter ſeſſions may inflict the penalty of 100 *l.* upon them.

By 1 *Jac.* II. *cap.* 19. the juſtices of the quarter ſeſſions are yearly, at *Eaſter* and *Michaelmas*, to aſcertain the market-price of corn or grain imported.

As by 5 & 6 *W.* & *M. cap.* 7. they are to ſettle the price of ſalt and rock-ſalt.

And by the ſtatute 8 *Annæ, cap.* 18. two juſtices may ſettle the aſſize of bread, from whom there may be an appeal to the general *quarter ſeſſions* only.

Alſo by the ſtatute 12 *Annæ, Parl.* 2. *ſeſſ.* 1. *cap.* 18. three juſtices have power to adjuſt the charge of ſalving ſtranded goods.

And further, juſtices of the peace have power given them,

By the 20 & 32 *Car.* II. to convict perſons who offend againſt the acts prohibiting the importation of great cattle, *&c.* whom they may impriſon for three months.

By the 1 *Annæ*, *cap.* 21. they have power to convict perſons knowingly receiving, or buying goods clandeſtinely run or imported, whom they may (for want of diſtreſs) impriſon for three months.

By the 2 & 3 *Annæ*, *cap.* 14. they have power to convict perſons who do not pay the penalty of 20 *s. per* buſhel for ſalt brought from *Scotland*, whom they may impriſon ſix months.

Power is likewiſe given by the 10 & 11 *W.* III. *cap.* 22. that the juſtices of the peace at their general quarter ſeſſions ſhall hear and determine matters relating to the duties on ſalt, upon any appeal by the perſons grieved by the judgment of two juſtices; and the determination of ſuch general quarter ſeſſions ſhall be final.

And

And by the act 1 *Geo.* 1. *cap.* 10. *one* juſtice of the peace may convict perſons offending in the fiſh-trade and levy the penalty of twenty pounds by diſtreſs, or, for want of it, commit the offenders to twelve months impriſonment.

And by the acts 6 *Geo.* I. *cap.* 21, and 8 *Geo.* I. *cap.* 18. *two juſtices* reſiding near the place where ſeizures of brandy or veſſels of the burthen of fifteen tuns ſhall be made, by virtue of any acts relating to the cuſtoms, for carrying uncuſtomed prohibited goods from ſhips inwards; or for relanding certificate or debenture goods from ſhips outwards; and where ſeizures of horſes, or other cattle or carriages ſhall be made, for being uſed in the removing and conveyance of ſuch goods:

SHALL examine into, hear and determine all ſuch ſeizures, and their judgment ſhall be final, and not liable to any appeal *(even in the quarter ſeſſions)* nor to any writ of *certiorari.*

And that the juſtices of the peace may be enabled to hear and determine queſtions of property, is enacted by

The act 7 & 8 *W.* III. *cap.* 30. that perſons refuſing, when ſummoned by ſuch juſtices

to appear and give evidence on any information before ſuch juſtices, for offences againſt the laws of exciſe, ſhall forfeit ten pounds.

It will now be incumbent on the clergy, or their advocate this *pleading parſon*, to ſhew why the clergy's property in tythe ſhould not for the eaſe of the ſubjects of *England*, and for the attainment of ſpeedy juſtice, be heard and determined by the ſame methods, which the treaſure of the crown, and the property of merchants and perſons intereſted in all branches of trade, muſt ſubmit to *without appeal*.

Theſe laws affect not only the liberty and property of private dealers, not only the revenue which ſupports the civil government, but the intereſt and eſtates of that vaſt body the national creditors, who have truſted their properties to the faith and honour of parliaments; nor do theſe laws affect the funds on which the current ſervices of the year, and the ſafety of the king and kingdom muſt at all times greatly depend.

Theſe laws as they were enacted to determine queſtions of property, in caſes of this tranſcendent value and importance, have been always eſteemed, laws of rigorous advantage in favour of the property which they are to recover and maintain.

They

They are laws which by thoſe *perſons who are ſued* in conſequence of them, and according to the methods preſcribed in them, have ever been conceived leſs indulgent or eligible than any other laws upon which ſuits or proſecutions may be grounded.

And the extenſion of theſe laws to other branches of trade, as it was lately propoſed, occaſioned the greateſt uneaſineſs amongſt thoſe who are *liable to be ſued* in theſe methods, that ever was known in our times.

Yet this ſevere and rigorous method of juſtice have the people called *Quakers* deſired, of the legiſlative power for the recovery of *tythes againſt them*, rather than continue liable to the multiplicity of ſuits, the protractions of cauſes, and exceſſive coſts of ſuit, which are not leſs grievous to themſelves, than odious to the laws, and repugnant to natural juſtice.

They wiſh not to be ſued in this method, becauſe it is indulgent; they and all mankind know it to be a method ſufficiently ſevere upon thoſe *who are ſued*: but they pray it from a reaſonable view, that they may not be ruined by ſuits in all ſhapes carried on without end.

They

They know it to be a *ſure method* of recovering tythe, and are only ſollicitous for it, becauſe it is ſhort and ſpeedy.

This may be the *country parſon*'s real objection to the method. For, he may deſire to perſecute the *Quaker* as an obſtinate *Nonconformiſt*; he may gratify unchriſtian revenge againſt them; and may for this equitable reaſon complain, that any reſtraint of ſuch ſuits denies him the *methods of juſtice* uſed in this kingdom.

It appears, from the ſtatutes already cited, to be a method of juſtice ordained by law in caſes of the moſt general, important, and valuable concern.

But while this *reverend* order oppoſe it, as a method of juſtice not uſed in this kingdom, and therefore not fit to be uſed in determining queſtions which relate to *their* property:

Can it be thought credible, that the clergy incited, purſued, and eſtabliſhed it themſelves, as a method of juſtice in puniſhing the *Quakers*, and all other proteſtant diſſenters, *for the worſhip of God* according to their conſciences, inflict-

inflicting upon them fines, impriſonment, and baniſhment from their country by the ſame *arbitrary* deciſion; which as zealouſly as it was ſought for in taking away the eſtates of nonconformiſts, is ſo grievouſly complained of as taking away the birth-right of the clergy in the law, and depriving them of their maintenance?

If we look back into the act made in the fourteenth year of *Charles the ſecond*, entitled, *An act to prevent miſchiefs and dangers ariſing by the people called* Quakers;

There it will appear, that juſtices of the peace, at the quarter ſeſſions, had power to convict by *notorious evidence of the fact*, and to fine, puniſh, and tranſport Quakers, on conviction of their holding that perſuaſion.

Strange! that the clergy ſhould think the *arbitrary* deciſion of a quarter ſeſſions competent to take away the fortunes of this people, and to baniſh them from their country; yet incompetent to determine ſuits brought againſt them for tythes!

With regard to proteſtant diſſenters of all denominations, the *ſame method* of proſecution was eſtabliſhed by the influence of the clergy.

The

The *Oxford five mile act*, ſo called, becauſe it reſtrained *diſſenting teachers*, from coming within *five miles* of any corporation, 17 *Car.* II. *cap.* 2.

Enacted, that two *juſtices* might commit offenders of their own convicting to no leſs than *ſix* months impriſonment.

And by the acts to ſuppreſs *ſeditious conventicles*, viz.

I. The ſtatute 16 *Car.* II. *cap.* 4.

Two juſtices were authorized for the firſt offence to fine the party five pounds, or to impriſon without bail for three months, and their certificate was to be a record of conviction.

2. For the ſecond offence they were to inflict a fine of ten pounds, or ſix months impriſonment:

3. And, for the third offence they might tranſport the offender for ſeven years, unleſs he paid one hundred pounds before the end of the ſeſſions.

II. The ſtatute 22 *Car.* II. *cap.* 1.

The convictions were to be by two juſtices of the peace, and the fines to be levied by their warrants of diſtreſs, though in ſome caſes to the value of *twenty* pounds.

2. The appeal of the party aggrieved was to be to the *quarter* ſeſſions, and no court was to intermeddle with any cauſes of appeal upon this act, but they were to be finally determined by the quarter ſeſſions only.

3. And a juſtice of the peace in one county, was to certify to the juſtices in any other of the flight of the offender.

Theſe laws which were obtained before the *happy revolution*, and which were diſpenſed with afterwards by the *Toleration-act*, in favour of the proteſtant diſſenters in general, and by the *Affirmation-act* in favour of the Quakers in particular,

SHEW the *deciſion of juſtices* to be a method in great repute and eſtimation with the clergy before the revolution.

And though they now ſuggeſt it to be a method of juſtice *not uſed in the kingdom*; yet the

the clergy themſelves, after the revolution, inſerted the clauſes in the *Affirmation-act*, which gave juſtices of peace the *firſt cognizance of quakers tythes.*

They inſerted them in a law which had no relation to tythe, and they would not agree that the Quakers affirmation ſhould be taken inſtead of an oath, unleſs juſtices of peace might be truſted with this *arbitrary* deciſion of their tythes.

A deciſion which they think reaſonable to conclude the Quaker, but not the parſon, in queſtions relating to tythe.

Thus the power of *juſtices of peace* is a good and wholeſome proviſion, when given for the benefit of the clergy: but an unjuſt and *arbitrary* method when uſed for the eaſe of the Quaker.

Thus it is right to ſhut the Quaker out of all the king's courts, when the parſon holds it expedient to recover tythe in the country; but it is denying the parſon the *juſtice of the great charter*, if contrary to his option he is referred to a deciſion in the country.

Thus

Thus the Quaker ſhall have no option of courts of juſtice to defend the property which the law hath given him in *nine-tenths* of his ſubſtance.

But the parſon ſhall claim liberty to proſecute in town and country, in *Weſtminſter-hall*, the *eccleſiaſtical court*, and the *quarter ſeſſions*, without reſtraint, for the ſingle tythe in which he hath an intereſt, or he will complain that the juſtice of *magna charta* is denied him:

And, the Quaker ſhall have ſuffered proſecution at the Quarter ſeſſions for forty years together;

Yet the *country parſon* ſhall tell us, that this deciſion by *juſtices of the peace*, takes away the clergy's birth-right in the law, and is a method of juſtice not uſed in this kingdom.

The country parſon, *I ſay*, ſuggeſts it;

For, I can hardly believe, that any man above that *low character*, would be ſo ſcandalouſly weak, as to ſuggeſt a *fact*, which the pooreſt *country plowman*, from daily experience, muſt know to be falſe.

And were it poſſible, that one of *greater Eminence* could ſo far be wanting in his duty to truth, to his GOD, and his reputation, it would ſhew him to be confirmed in that *unbluſhing proſtitution*, which takes delight in the want of honeſt ſhame, though enemies rejoice, and friends are confounded at his infamy.

A perſon of this habit only, could be capable of adding to the number of unjuſt complaints, the clamour againſt the determination of juſtices in their quarter ſeſſions, *as an arbitrary deciſion!*

As if it were *more* arbitrary than a deciſion of a *court of equity*, where a clergyman muſt ſue for his tythes if he is diſſatisfied with common law.

Or, as if it were *more* arbitrary than the deciſion of a *court of delegates*, where he muſt have his laſt reſort, if he ſues by *eccleſiaſtical* proceſs.

It might be thought, from this complaint of an *arbitrary deciſion*, that the clergy were remarkably fond of trials by juries, where the verdict is in the judgment of *twelve* men ſpecially impanelled at every aſſize: and that they

they oppoſe a deciſion by *one* or *two* only, and diſlike a dernier reſort to a *ſtanding ſeat of* juſtices.

Yet ſtrange as it may ſeem, it is certainly true, that of 1153 ſuits for tythe againſt the Quakers, 1094 of the number ſought either for the *arbitrary* deciſion of courts of equity, where the laſt reſort is to the houſe of lords, or for the *more arbitrary* deciſion of eccleſiaſtical courts, where the laſt reſort is to a court of delegates.

And, the country parſon is not contending that judgments ſhould be *leſs arbitrary*, than the bill allows: but that ſuits ſhould be *more unlimited*; he approves this method of juſtice, but would not be confined to it; he would tie the *Quaker* down, but thinks it moſt unequal and unjuſt that the *parſon* ſhould be compelled to abide by it himſelf.

'The acts of king *William* (ſays he) took 'no remedy from me; they provided an eaſy 'remedy for the recovery of Quakers tythes 'and ſmall tythes; they did not ſhut up the 'king's courts againſt me, but left me at 'liberty to take the new method, or if it 'was neceſſary, to reſort to the old ones.

'For

'For this I had reaſon to be thankful, and 'have always choſen the new method for my 'own ſake and my neighbour's ſake.

After ſuch an acknowledgment that the remedy is eaſy, that the parſon had reaſon to be thankful for it, and always had choſen it; would any man believe that ſince thoſe acts have taken place, the clergy have carried on in the moſt oppreſſive methods no leſs than 1153 proſecutions?

The reaſon of which rigorous ſuits ſeems to be, that the more gentle do not anſwer the parſon's *intention in ſuing.*

This intention is beſt to be underſtood from the words of the *country parſon's plea*, which aſſerts, that the law was deſigned to *puniſh* the Quaker with-holding tythe from the parſon.

So that the recovery of tythe is not ſufficient to the parſon, unleſs he can *puniſh* by the method in which he *recovers.*

The parſon, as a principle of his religion, holds tythe to be of *divine right.*

The

The *Quaker*, as a principle of his religion, holds tythe to be aboliſhed by the inſtitution of the *chriſtian* church.

The law gives the parſon tythe as a *temporal* intereſt; and the parſon goes to law not only to recover tythe, but to avenge the *divine right* of his order upon the *poor Quaker*, who calls it *antichriſtian*.

He knows the Quaker cannot yield that tythe, which all of his ſect hold to be againſt conſcience.

He can by law recover it in any court; and if the proceedings of ſome courts are more expenſive than others, he will ſue in thoſe courts, that he may *puniſh* the Quaker in the method of *recovering* tythe.

This may agree with the boundleſs ambition, and cauſeleſs cruelty, of *ſelfiſh* eccleſiaſticks, but it would be reproachful to the juſtice of a legiſlative power, that ſhould allow one part of the ſubjects to take advantage of the unhappineſs, the infirmity, or religious prejudice of another part, for the ends of vexation and oppreſſion.

Yet this is the caſe, whilſt the parſon may worry Quakers for tythe in every court at his will.

If the parſon ſues in the exchequer, or proſecutes in the eccleſiaſtical courts, he can oppreſs the *Quaker* with heavier coſts; and perhaps, by litigiouſneſs, may for the benefit of his church, add the tenth part of a farthing to the rate of his tythe.

Will the parſon then be ſo charitable as to ſue before the juſtices, who can only levy his tythe, but not oppreſs the Quaker with coſts?

No; for the law, *ſays the country parſon*, was made to PUNISH the Quaker for defrauding me of my tythes.

Therefore,

To make eccleſiaſtical power terrible amongſt nonconformiſts, to ſubdue their oppoſition to the pride, the inſolence, and uſurpation of unconſcionable churchmen, to make ſevere examples of thoſe who oppoſe *divine right*, and to indulge a litigious inſatiably-covetous temper;

The

The parſon will ſue for tythe, not where he *may* eaſily recover it, but where he *can* with greater advantage at once *recover* and *oppreſs*.

This is called a foul charge on the clergy, and their advocates want a ſpecification of ſuits, that they may be able to vindicate their conduct.

The ſuits ſhall be ſpecified in the proper courſe of enquiry ——— In this place it is enough to obſerve, that as foul as the charge can be, it is a practice which every clergyman hath at his option; and whether it be fitting that the clergy ſhould be truſted with *power* to *oppreſs*, is a queſtion of ſo eaſy a diſcuſſion, that they have not a friend in the world, who, as to his own particular, would chuſe *to live at their mercy*.

It is taking away his power to oppreſs, which occaſions ſo great an alarm.

The *country parſon*, zealous for his power, pretends that the want of it will expoſe him to injury.

'The Quaker, *ſays he*, knowing that I 'have no reſort to the law, but muſt be con-'cluded by the juſtices in the country, will not

'only keep all my tythe from me, but will uſe 'all his art and application to reduce the value 'by the judgment in the country.

'The juſtices in the country will be under 'a temptation, to uſe this power to cultivate 'an election-intereſt.

'Many Quakers are freeholders; and as 'they are great traders, have influence over 'many others, and will act as one man in 'oppoſition to the parſon.

'I have but *one vote* for the county, and *no* '*intereſt*.'

This objection is grounded altogether on a ſuppoſition,

That the Quakers, one of the leſſer bodies of diſſenters, are ſtronger in property and intereſt, than all the clergy of the *church of England*, the two univerſities included;

Conſequently, that the Quakers weight in trade will bear down the clergy's weight in land; and,

That country gentlemen will court an election-intereſt rather among the Quakers than the

the clergy; whereas in fact, two thirds of the counties of *England* are governed in their county elections by church intereſt:

And, in ſuch counties will the Quaker or the parſon be moſt likely to prevail, by the partiality of country gentlemen?

This parſon ſays *he hath but one vote*, which is hard upon him; becauſe, to my knowledge, he hath *more than one benefice.*

He ſays *he hath no intereſt*, which I am equally ſorry for; becauſe, if it is true, it is owing to his *very bad character.*

But can this allegation be general? Can a beneficed clergyman have no intereſt, where he hath ſuch a property as *tythe*, and where every farmer muſt ſubmit to his will, to avoid oppreſſive proſecutions?

This power of maintaining a multitude of ſuits is the moſt formidable power of the crown. And, if an *officer of exciſe* can in ſome degree influence votes in elections by his power to oppreſs (which many ſtatutes provided to reſtrain ſuch influences have declared) can a clergyman, having power to proſecute, be without the ſame influence over the

votes of the people? And, is there not the ſame reaſon to reſtrain it?

Every clergyman by his intereſt with the more devout and yielding ſex, by his intercourſes with the ſick, by his knowledge of all the family-affairs in his pariſh, and by reconciling even the quarrels which he foments, may procure to himſelf the higheſt influence over the votes of his people.

When the weight of his property in their lands is added to his interpoſition in their private affairs; when fear co-operates with kindneſs, and he can awe thoſe into ſubmiſſion whom he cannot perſuade to love him:

What pariſhioner, having a vote in elections, can refuſe it to the requeſt of his parſon?

I was ever of opinion, that a clergyman muſt have the worſt judgment of any man in his neighbourhood, if he hath not the beſt intereſt.

And, the pretence, that trials of tythe by juſtices of peace will become ſubſervient to an election-intereſt, might naturally make a Quaker fear to abide this trial, where the biaſs of the court muſt by ſo great a probability be be in favour of the clergy.

But

But this is the difference between the parſon and the Quaker;

The juſtices, if ever ſo much biaſſed, can only by a ſpeedy deciſion levy the tythe; and, this will not aggrieve the Quaker:

Whereas the parſon covets a protracted ſuit in an expenſive court, which may not only recover his tythe, but gratify his revenge.

With this view he magnifies the Quakers dealings in trade, and intereſts in elections;

As if theſe could tranſcend that intereſt in land, and power in elections which the tythe of the clergy, the endowments of chapters, colleges, and univerſities, and the epiſcopal revenues of the kingdom, have eſtabliſhed in favour of the church:

A power, that every man ſees to be daily increaſing from the capacities of that corporation, which is enabled to purchaſe all the lands of *England in mortmain*.

A power that will, in the courſe of time, if it be unchecked in its progreſs, extend its ſway over all the property of the kingdom,

though contrary to the genius, and tending to the deſtruction of this free government!

With the view of ſupporting this exorbitant power, the *country parſon* takes the infamous liberty of taxing the juſtice of all mankind.

It is his grievance, that,

1. 'By this bill he muſt be tied down, for 'the value of his tythes, by the judgment of 'two juſtices, out of whoſe lands the tythe 'ariſes, and whoſe tenants pay it.

2. 'The two juſtices who gave the ſen-'tence will be on the bench at the quarter ſeſſi-'ons, or if they are not, it may happen that 'their brother juſtices may think it more expe-'dient that a parſon ſhould loſe forty or fifty 'ſhillings (a great part of the demand) than 'that two worthy gentlemen juſtices of the 'peace ſhould be ſuſpected of partiality.

3. 'The eſtabliſhed miniſtry will be left 'without a maintenance, by the iniquity and 'partiality of witneſſes, who are generally far-'mers and countrymen, and undervalue the 'tythes, though by evidence upon their 'oaths.'

This

This is the decent and charitable manner in which the *country parſon* expreſſes himſelf of the whole people of *England*, from the country gentleman down to the country farmer:

As if the gentlemen *in the commiſſion of the peace* for the ſeveral *counties of England*, had not as a fair a reputation for juſtice, and as few temptations to be partial, as the judges of an eccleſiaſtical court, who, though the creatures of the clergy, ſit there to decide the properties of laymen: or,

As if it were a foul charge on any man who wears a caſſock, to ſuppoſe, that he will be oppreſſive in his ſuits, or enormous in his exactions, though manifeſtly for the enriching of his family, and impoveriſhing his adverſary;

Yet a modeſt and fair accuſation, that none of the gentlemen of *England* are ſufficiently impartial, to render juſtice between clergymen and Quakers.

The firſt allegation,

'That the parſon will be tied down for the 'value of his tythes to the judgment of two

'gentlemen, out of whoſe lands the tythe 'ariſes, or whoſe tenants pay it,

Is abſolutely falſe:

Becauſe, 1. The bill excepts ſuch juſtices as are *any ways intereſted in the tythes*;

2. The parſon who may complain to *any two juſtices*, never will complain *to any one*, out of whoſe land the tythe ariſes, or whoſe tenant pays it; but

He will have the whole commiſſion *of the peace* to pick two juſtices out of, and will certainly apply where he hath moſt expectation of partiality to his order.

The next allegation,

'That when two juſtices of the peace 'have given ſentence, *the gentlemen of the county* 'may think it more expedient that the parſon 'ſhould loſe forty or fifty ſhillings (a great 'part of his demand) than that two of their 'brethren ſhould be ſuſpected of partiality;'

Is abſurd, malicious, falſe, and ſcandalous.

It

It not only reflects on the honour of the gentlemen of *England*; but ſuppoſes, that two juſtices cannot err in their judgment without ſuſpicion of partiality: and,

It ſuppoſes, that all the gentlemen of a country will be partial and unjuſt, rather than that two of their brethren ſhould be accounted erroneous in any particular judgment.

Did the *country parſon* learn to think *thus* of *judicial* proceedings from thoſe in *eccleſiaſtical courts?* Is the *chancellor* of the dioceſe, partial in favour of the clergy, leſt the church ſuffer ſcandal from the ſuppoſition that a clergyman, who loſes his cauſe is unjuſt in his ſuit? Or,

Is the *dean of the arches* accuſtomed to think it more expedient, that the appellant in his court ſhould loſe his ſuit, rather than that a *brother doctor* (the chancellor againſt whoſe judgment the appeal is brought) ſhould be ſuſpected of partiality in his deciſion?

What have the landed gentlemen of this kingdom done to offend *this parſon*, that they, who of all others are moſt intereſted in the public happineſs, ſhould be treated as leaſt of all qualified to adminiſter public juſtice?

Or, that they ſhould be treated as a band of raparees, combined to ſupport each other in acts of injuſtice;

And, leſs to be ſuſpected of deciding ſuits *impartially*, than that wooden implement of church power, who judges by commiſſion from the clergy, who owes them partiality in requital for his promotion, and is tempted to encourage a multitude of ſuits to encreaſe his own fees of office?

I hope the gentlemen of the county wherein this *candid parſon* reſides, will make him the moſt public acknowledgments of theſe indiſcriminate reflections, which ſo remarkably diſtinguiſh his humanity as a gentleman, his politeneſs as a ſcholar, his meekneſs as a clergyman, and his charity as a chriſtian.

But I hope at the ſame time, that he will never be admitted to ſit amongſt them; becauſe a man, who can think of them as ſuch a partial *ſet* of *miſcreants*, may probably be an example to juſtify his own reflections.

And as to the charge on the farmers and countrymen, who are repreſented in every part of *the plea*, as robbing the clergy of their maintenance

tenance by their *iniquity* and *perjury*, in undervaluing the tythes, it will be a ſufficient anſwer in general, that if there was leſs avarice and injuſtice in the clergy, they would be leſs forward in accuſing the country of iniquity and perjury.

It is fact, that the *farmers* in general never gave the *parſon*, ſo high a rate for his tythe, but he looked on it as below his due, and were they to give him *nine-tenths* of their ſubſtance, it would not ſatisfy the ravenous ſpirit of ſome clergymen, ſo long as the farmers retain *one part in ten* to themſelves.

Is this ſeverely ſpoken of the clergy? Let any man judge, whether it can be more ſevere than warrantable, when provoked *by a clergyman*, who is capable of defaming all the *gentlemen* of *England* as partial and unjuſt judges, and the whole *yeomanry* of *England* as knaves in their dealings, and *perjured villains* in courts of juſtice.

Perſuading myſelf, that ſo much as hath been ſaid on this ſubject will vindicate the honour of *Engliſh* gentlemen, and their competency for the juriſdiction which is given them by this bill;

I proceed to examine the reſt of the pretences, that it muſt injure the parſon's property:

Of

Of which none can be more enflaming, than the complaint in the 16th *page*,

'No Quaker, *ſays the parſon*, will, after 'ſuch a law ſhall be made, ſet out his tythes, 'but will retain them to his own uſe; and 'I ſhall be debarred of having them *in kind*, 'how neceſſary ſoever they be to my own, and 'my family's ſubſiſtence.

'By law the parſon cannot ſet out his own 'tythe, and carry it away, but the occupier 'of the land muſt ſet it out; and if the par-'ſon intermeddle with the corn before the oc-'cupier hath ſet out the tythe, he is liable to 'an action.

'The Quaker's conſcience will not per-'mit him to ſet out the tythe: ſo that with 'the law on one ſide, and the Quaker's con-'ſcience on the other, no tythe can ever be ſet 'out in this caſe.'

Would any man imagine, after this grie-vous complaint of the law on one ſide, and the Quaker's conſcience on the other, that the bill actually gives the parſon a better remedy than ever to receive his tythes in kind? And, that if they are really neceſſary to his own, or his family's

family's ſubſiſtence, he may have them in kind of the Quakers by the aid of this bill?

He ſays the Quaker's conſcience will not permit him to ſet out the tythe;

But then, *the bill ſays*, the juſtices warrant ſhall immediately levy theſe tythes.

So that the diſtreſs may be made upon the tythable matter, and the parſon may have it in kind, with better meaſure than if the Quaker had ſet out his tythes;

And the Quaker ſhall pay the coſts.

This is eaſy juſtice.

But the parſon hath alledged, 'That by 'the laws in being, he may recover *treble* 'damages of every Quaker not ſetting out his 'tythe.'

This is the parſon's real objection againſt the the bill; and a moſt *conſcientious* objection it will appear to be; for

The parſon, knowing the Quaker to be reſtrained *by ſcruple of conſcience* from ſetting out his tythe, looks upon the penalty of *treble* damages

damages to be a ſure intereſt, which he hath at preſent in every Quaker's property; and whereas he hath but *one tythe* of any other man, he takes *three* of every Quaker, or *ſix ſhillings in the pound* from the produce of the land, beſide deſtroying great part of the remainder, by loading him with coſts of ſuits.

Can you think then, that the *parſon* will conſent to a law which may pin him down to his *tythe only*, and not allow him to recover *treble tythes* of every Quaker in his pariſh?

Can you think that, whilſt the Quaker's default of *ſetting out tythe* is ſo profitable to the parſon, he will ever conſent that a *juſtice* of the peace ſhould *ſet them out for the Quaker*, and ſave the poor man from the penalty of a default?

This is *reaſon* with a parſon againſt the proviſion of this bill, but can never be a reaſon with any other man. It may be an intereſt of precious concern to the clergy, but it would be a reproach to public juſtice, were they ſuffered to demand *three times the value* of their tythes in the king's courts, on pretence of their *not being ſet out*, when any two *juſtices* of the peace in the neighbourhood may grant their warrants to take them

them in the field, in the barn, or wherever they may be found.

If this does not ſatisfy the parſon, there is an expedient, which, as I have heard and believe the Quakers will not oppoſe, and which muſt ſilence the parſon's objections.

The two juſtices of the peace, who have power by their warrant to levy the value of the tythes, when they are withheld, may by their warrant authorize a fit perſon to ſet them out, when they ought to be paid in kind.

The law, in this caſe, will not impoſe it on the Quaker to ſet out tythes contrary to his conſcience, nor will the Quaker be ſubject to pay three tythes for not having ſet out one: but an officer will be appointed to ſet out the tythe, which the Quaker, from his ſcruple of conſcience, is diſabled to ſet out himſelf. And the parſon will not then have the plea of neceſſity, to juſtify his going to law for his tythes, nor the ſcandalous temptation of ſuing the Quaker for three times the value of them.

The parſon may anſwer, that this will be a proviſion for the recovery of great tythes, as *corn*, *hay*, *&c.* But how ſhall he take his ſmall tythes? 'Muſt I, *ſays he*, in the 27th page,

'page, watch when a cow falls into labour, or 'muſt I keep a regiſter of all the calves and 'pigs that are born in my pariſh?'

This leads us to the objections which he makes, in the next page, againſt this bill;

'As the law now ſtands, the parſon can 'bring a bill of diſcovery in courts of equity; 'in which caſe the farmer is obliged to ſet 'out his tytheable matter and the value, and is 'liable to proſecution for perjury, if he is guilty 'of it. But is every juſtice in the kingdom to 'be erected into a chancellor? If not, by what 'proceeding ſhall the parſon make a diſcovery 'in theſe caſes?'

It is to be obſerved, that the parſon firſt puts a caſe of a *bill of diſcovery* to be brought in the exchequer, after this law ſhall take place: yet in the next paragraph complains, that no ſuch bill can be brought there. He firſt complains of the hardſhips which he ſhall ſuffer in bringing ſuch a bill, and next ſets it forth as his hardſhip that he cannot bring ſuch a bill. This is extraordinary!

I know not, that the law propoſed will take away the juriſdiction of courts of equity to retain *bills of diſcovery*; I am not certain, that

that the proceeding by *bill in equity* is the moſt reaſonable method to be uſed for ſuch diſcovery. ——But in anſwer to that arch queſtion——— *Is every juſtice to be erected into a chancellor?* I muſt ſay, it ſeems as reaſonable that there ſhould be a chancellor in every court of quarter ſeſſions, as in every court of the clergy: and, I think, if the law muſt compel a Quaker to diſcover the value of his tythes, that in this caſe, the cheapeſt method of diſcovery will be the beſt method; and that the juſtices at the quarter ſeſſions, may examine him with as good effect (tnough not with ſo much coſt) as the parſon can interrogate him with, in the court of exchequer.

There is a ſlight objection in the ſame page worked up into a loud complaint, 'that the 'juſtices cannot compel witneſſes to attend 'them.' But to remedy this, the ſame clauſe may be provided in this bill, as in relation to the exciſe, by the act 7 & 8 *W.* III. which inflicts the penalty of ten pounds on any one who ſhall not appear as a witneſs, on ſummons from a juſtice of the peace. And,

The Quaker muſt be equally ſollicitous for ſuch a clauſe, as he muſt be equally affected by the want of means to compel the appearance of witneſſes.

So

So that, in the manner of working up this objection, the *country parſon* ſtrains it beyond what truth can juſtify, and endeavours to make the clergy think, from this preſent want of power in juſtices, that this bill denies it, becauſe it does not mention it; and that in the manner of drawing the bill, it ſeemeth intended to leave the property of tythe precarious.

Whereas a bill of this comprehenſive nature can hardly be prepared, ſo full or ſo correct in the firſt drawing, as to want no additional clauſe or amendment; and the ordinary forms of parliament give ample opportunities for inſerting them before it becomes a law.

It is next objected, that

'In the original cauſe before the juſtices, 'the parſon is ſuppoſed to have juſt cauſe of 'complaint, and to recover in ſome ſhape or 'other, and to be entitled to coſts.

And that

'It is probable he may ordinarily be the 'appellant to the quarter ſeſſions, and coſts 'may be againſt him.

'How

'How is it then, *ſays the parſon*, that the 'bill limits the coſts in the firſt inſtance, 'when the parſon is to receive them, and 'leaves them *arbitrary* in the ſecond, when 'the parſon is to pay them?'

There is nothing more in this objection, than that *two* juſtices are limited to give coſts, and the *whole* bench, at their quarter ſeſſions left to give coſts according to diſcretion. And,

1. In the firſt inſtance of complaint, it may be reaſonable to ſpecify the coſts, which ſhall not be exceeded; to the end that the two juſtices, though ever ſo partial to the complaint, may not oppreſs the defendant with coſts. But,

2. In the appeal, if the parſon or Quaker appear to be litigious, it may be reaſonable, that *all* the juſtices of the county ſhould have power to give *exemplary* coſts, though it might be leſs ſafe to leave it in the diſcretion of any two of them.

And now we come to the *grievous* objection againſt the bill; (page 29) that

'If the parſon bring an indictment or in-'formation, againſt the Quaker or his wit-

'neſſes

'neſſes for PERJURY, and ſhall fail to 'make a legal proof (as is ſuggeſted he eaſily 'may do) in that caſe, *the bill ſays*, the defen-'dant ſhall recover *treble coſts*.

Extremely hard! that a *falſe* accuſation of perjury ſhould be liable to TREBLE COSTS!

If the parſon cannot prove *perjury*, why ſhould he charge it? If the nature of the proof is difficult, does not juſtice impoſe this difficulty? Ought any man to be convicted of ſuch a crime from ſlight appearances? From a covetous parſon's ſuſpicion; or from a diſappointed parſon's reſentment? And if the parſon wants the evidence which the law requires, ſhould the law allow him, unpuniſhed to publiſh ſo much infamy?

This is the manner of moving compaſſion for the clergy;

1. He repreſents the two juſtices, before whom he complains, as unjuſt judges.

2. He repreſents the whole bench of juſtices, before whom he brings his appeal, as *partial* to the injuſtice of their two brethren.

If

If he brings a bill of diſcovery in the exchequer,

3. He repreſents the Quaker, as perjuring himſelf to defraud the parſon of his tythes.

Or, if an iſſue be directed by the exchequer for the value of tythe to be tried by the country,

4. He repreſents the verdict of the jury to be *very partial*; and,

5. The witneſſes in every caſe and every court to be perjured and corrupt.

Such a combination is ſuppoſed to be in every country againſt the claim of tythe!

If the parſon (holding all theſe *articles of faith* as *neceſſary to ſalvation*) cannot prove this INJUSTICE, PARTIALITY, PERJURY, and CORRUPTION;

What then?

Why then, he muſt pay *treble coſts!*

Did ever the *chriſtian* church ſuffer ſuch perſecution?

Yet, a layman would be ſet in the pillory, for a *tythe* of that defamation which this *parſon* hath publiſhed againſt the juſtice of his country.

I confeſs, if I might judge of a man's conſcience, who ſhould publiſh ſo much ſlander againſt all ranks and degrees of men, I ſhould take it to be of the blackeſt complexion. An honeſt man will repoſe a reaſonable confidence in the honeſty of other men, but *he* who would have no man thought to be juſt, ſeems to wiſh, that no man ſhould be in a condition to do him juſtice.

However, ſince the oppoſition to this bill hath had its chief ſupport from the clamour againſt the power of the juſtices, ſince the *gentlemen of England* have been charged with ſuch corruption, partiality and injuſtice, it hath been propoſed that the *judge of aſſize* ſhould be appointed, inſtead of the court of *quarter ſeſſions*, to hear and determine appeals; and, the Quakers have not objected to this propoſition, becauſe they deſire no other than ſpeedy juſtice, and will be glad of receiving it any where.

Nor can the parſon object to this final deciſion by the judge of aſſize, who can have no

no intereſt to cultivate in the country, who cannot have any undue regard to the juſtices, from whom the party appeals, and who will not be the ſame perſon at any two aſſizes in the ſame circuit.

There are, nevertheleſs, ſome objections againſt this alteration of the bill.

1. It is not yet known, that the judges are willing to be charged with this additional load on the buſineſs of the aſſize. And, it may not be reaſonable to impoſe it upon them, if it can be other ways diſpoſed of, becauſe the late acts of parliament, eſpecially thoſe relating to the diſcharge of debtors, have already occaſioned more buſineſs to come before them, than the uſual time of aſſizes will allow them conveniently to determine.

And, 2. The next objection is of ſtill greater weight. Such an alteration would countenance the ſcandalous objections againſt the *honour of the* gentlemen of *England*.

And therefore, I declare myſelf freely on the matter, I ſhall give my *negative* to it.

Every gentleman by this time hath formed his judgment whether the juſtices of peace de-

ſerve this truſt; or whether the power with which this bill inveſts them, will be effectual to the ends for which it is propoſed. And therefore I ſhall not examine any farther the *country parſon*'s objections, either to their qualifications for the cognizance of tythes, or to the ſufficiency of their juriſdiction for the recovery of tythes. But,

The *general effect*, which their deciſions will have, upon the intereſt of the clergy in tythe, as it is foretold by the *country parſon*, deſerves very particular notice.

'The quarter ſeſſions price, *ſays he*, will 'be a ſtanding rule for the value of tythes 'in every county. And

'The bill will probably, in proceſs of 'time, introduce a general *modus decimandi* 'for the whole kingdom.'

To this I anſwer, that,

I cannot ſee the probability of any ſuch conſequences to flow from this bill: or, that when the juſtices have determined the value of tythe in one farm, it will be a rule for the value of tythe in any other.

For,

For, if the ſoil is ſeldom of equal goodneſs in any two men's lands, (and the produce muſt always be in value according to the goodneſs of the land;)

Will it be ſufficient for any farmer to ſay before the juſtices, *you have determined the value of another man's tythe* at ſuch a rate; *you ought therefore to charge me* no higher, *though the land which I farm is* of treble *value, and produces* a treble *crop?*

Or, will it conclude the parſon, with reſpect to any particular eſtate, that the juſtice determined the value at ſuch a rate in any particular year? Will he not ſhew that the land hath been improved, the produce increaſed, and that the value of his tythe is greater than when it was laſt determined?

This infinite variety of caſes, this frequent difference between one farmer's land and another's, nay, between the ſame land in different years, will make it impoſſible that the *quarter ſeſſions price,* as declared on any occaſion, can become the ſtanding rule for the value of tythe in that county, or even in that pariſh where it ariſeth.

But if a general *modus decimandi* for the whole kingdom were to enſue; if a *known determinate value* could be eſtabliſhed for the tythe of every county, though I ſee no hope of attaining it, I think ſincerely, that it would be a general good, as well to the clergy as the laity: For,

The clergy would be endowed with a better maintenance, though they were allowed a leſs rate, and the laity would be charged with a lighter burthen, though they paid a higher rate.

The *certainty of the modus* would ſave the expence of theſe unhappy controverſies which impoveriſh the parſon, who even raiſes the value of his tythe, and which beggar the farmer, though he brings it below the value.

The *title to the modus* would be ſimple, clear, and unperplexed; the recovery of it eaſy and ſhort. There would be no occaſion of racking the layman's conſcience to diſcover on his oath againſt the biaſs of his intereſt. And there could not poſſibly be an opportunity of cheating the parſon of his maintenance, as is now ſaid to be practiſed, by *Perjury*, *Partiality*, and *Injuſtice*.

The

The advantages of this *certain* appointment for the maintenance of the clergy, are manifeſt in thoſe pariſhes where it is levied, by a POUND RATE upon the inhabitants; nor will I deny the *reverend* order this juſtice, that, tenacious as they are of the *divine right of tythes*, they have never ſcrupled to prefer a *parliamentary right to a pound rate*, where it promiſed them a better revenue.

In general, it may be ſaid with truth, there never was an impoſition on mankind *more fruitful of law-ſuits*, than the claim of tythe, which never knows a certain value.

Nor, was there ever an impoſition more grievous and oppreſſive than the claim of tythe, which takes a tenth from the produce of the poor man's labour, who manures the land, who employs his own ſtock to raiſe the tythe, and ſurrenders the choice of the harveſt to the prieſt, who neither ploughs nor ſows.

The improvement of the land is at leaſt equal to the value of the land, and a tenth part of the produce free from all charges of raiſing it, is not a tythe, but a FIFTH part of every man's property; a ſtanding LAND TAX OF FOUR SHILLINGS in the pound, upon all the ſubjects of *England*.

If it be conſidered with reſpect to *ſmall tythes*, the grievance is heavieſt upon the pooreſt of the people. Thoſe who are rather objects of charity, and fit to receive alms, are the ſubjects of eccleſiaſtical oppreſſion, and compelled to pay tythe.

If a poor widow, the labour of whoſe hands, and the produce of whoſe garden, are the only ſubſiſtence of herſelf and five or ſix children, hath an *apple-tree*, ſhe muſt give the tenth of her fruit; if ſhe keep a *hen*, ſhe muſt give every tenth egg, or every tenth chicken; and if ſhe hath a *bee hive*, ſhe muſt yield a tenth of her wax and her honey,

TO THE PARSON OF THE PARISH;

Who, if he is not ſatisfied with her contributions, will proſecute her in the eccleſiaſtical court, and make her depoſe upon oath, how many *pippins* grew upon her tree? How many *chicks* were hatched? How many *eggs* were addled? And what caſualties happened in the management of her BEE-HIVE.

This was the complaint of *Chaucer*'s plowman, againſt the prieſt of his times;

For

For the tything of a duck,
Or an apple, or an aye,
They make men ſwere upon a book;
Thus they foulen Chriſtes faye.

Is it then unreaſonable to complain of *this tythe* of the clergy, as the eaſt-wind that withers the fruit, the caterpillar that deſtroys the harveſt in the ear, the locuſt that preys upon the property of the rich, and eats up the bread of the poor? An harpy that carries law-ſuits in one claw, and famine in another? That devours what the public taxes ſpare, and is more inexorable than an exciſe?

This prodigious uſurpation upon the property of mankind, makes the bill before us the more abſolutely neceſſary, and moves all indignation againſt the parſon, who ſuggeſts, 'That 'the bill will encourage the Quaker in ſetting 'up a right, upon the plea of conſcience, to '*another man's eſtate.*'

I ſaid to myſelf,

Doth not the *country parſon* appeal to *every man*'s conſcience, when he demands tythe of *divine right?*

When he claims it as a *duty to God?*

And, muſt he not ſo far allow the Quaker's *conſcience* to decide?

But, *ſays the parſon,*

'I wiſh the Quaker's conſcience could be 'examined in this point. Is he a *land-owner?* 'Let him be aſked, upon his conſcience, 'whether he paid any conſideration to the 'vender of the land, beyond the uſual price, 'and upon a ſuppoſition that no tythes would 'be due from his land? Is he a farmer, 'Let him be aſked, whether he pays more 'rent, than a *church man* uſed to give for the 'farm, and in conſideration of his paying no 'tythe? If he cannot ſay that he either bought, 'or hired the tythe (and he can ſay neither) 'what title hath he to it?'

I muſt here obſerve, that

The *country parſon* lays down a *law of property,* by this examination of the Quaker's conſcience;

A propoſition,

That

That if any burthen upon land ſhall continue, till it leſſen the value of our lands, it then becomes a property in the uſurpers, and the landed men ſhall never be diſcharged; becauſe all ſubſequent purchaſes are made with the conſideration of ſuch an incumbrance upon the land.

There are three remarkable caſes in our hiſtory, which will fall under this propoſition;

I. The ancient *Romeſcot*, or *Peter-pence*, was a penny charged upon every houſe, by *Ina*, king of the *Weſt-Saxons*, being at *Rome* in pilgrimage, *Anno* 720, and by *Offa*, king of the *Mercians*, *Anno* 794, to ſuſtain the *Engliſh* ſchool there. It amounted to three hundred marks and a noble yearly for the whole realm, and was paid to the ſee of *Rome* on the feaſt of St. *Peter ad Vincula*, being the firſt day of *Auguſt*, till it was aboliſhed by parliament, 25 *Hen.* VIII. *Anno* 1534.

II. The ancient *Dane-gelt* was a tribute, of one ſhilling, and afterwards of two ſhillings, upon every hide of land; originally levied for clearing the ſeas of *Daniſh* pyrates, or for purchaſing peace of them, as by *Ethelred*, who raiſed for this purpoſe, firſt 10,000*l.* next

16,000 *l.* then 24,000 *l.* then 36,000 *l.* and laſtly, 48,000 *l.* *Edward* the confeſſor releaſed this tax. It was levied again by the *Conqueror*; and by *W. Rufus*; but it was releaſed by *Hen.* I. and finally by K. *Stephen.*

III. The ancient *diſme*, or the *decimation* of all the ſubjects goods, was the uſual ſubſidy given from time to time by parliament, and was levied, as is the tythe of the clergy, by the *tenth* of every thing *in kind.*

Thus in the parliament roll 13 *E.* III. *No.* 6. The lords grant to the king, *the tenth ſheaf* of all the corn of their demeſnes, except of their bound tenants; the *tenth fleece* of wool, and the *tenth lamb* of their own ſtore, to be paid in two years; *and pray that this* grant *turn not into a* cuſtom.

So, in the parliament roll of the next year, 14 *E.* III. *No.* 5. it is entered, *the prelates, barons, and all the commons of this realm,* grant *to the king the* ninth *lamb, the* ninth *fleece, the* ninth *ſheaf, and of cities and boroughs the very ninth* part of all their goods *and* chattels, *to be taken by two years to come.* And with this, agrees the ſtatute book, *Anno* 14 *E.* III. *Stat.* 1. *cap.* 18.

But,

But, when the aid given was a *quin-diſme*, or *fifteenth*, then, the king appointed *two* aſſeſſors in every county; and they appointed *twelve* in every hundred, who made a true valuation of every man's perſonal eſtate, and cauſed the *fifteenth* part to be levied.

This word *diſme* or *decimæ* is equally uſed, as well for the revenues of the church, as for thoſe of the crown; and the ſtatute 2 and 3 *E.* VI. *cap.* 36. terms the *tenths of the clergy* (which were anciently paid to the *ſee of Rome*, and given by *pope Urban* to *Richard* II.) PERPETUAL DISMES.

The firſt *quin-diſme* was granted, by parliament, 18 *E.* I.

The *city of London* paid this year for the *fifteenth*, 2860 *l.* 13 *s.* 8 *d.* and the abbot of St. *Edmonds*, 666 *l.* 13 *s.* 4 *d.* which was by compoſition, and thereupon he had all his temporal goods, and the goods of his convent, diſcharged of the *fifteenth*.

Sometimes, the *diſme* and *quin-diſme* were granted both together, as in the 6 *E.* III. one *diſme*, and one *quin-diſme* were given to the

king, to be levied of the laity, in aid of his expedition againſt the *Scots*.

At other times, the *diſme* or *tenth* was granted ſingly, as in the aforementioned inſtances, 13 *E.* III. by the lords of their own ſtore; and 14 *E.* III. by the clergy, nobility, and commons for the whole realm.

And the *quin-diſme* or *fifteenth* was likewiſe granted *ſeparately*, of which the inſtances occurring in ſucceſſive ages are ſcarcely to be numbered.

Theſe methods of charging the ſubject were conſtantly made uſe of, till the reign of king *Charles* I. when the great demands of money, which the civil war occaſioned, introduced our modern *exciſe* and *land-tax*.

Now in all theſe caſes, *viz.*

1. In the caſe of the *Peter-pence*, which continued a rent charge upon houſes for the ſpace of eight hundred years;

2. In the caſe of *Danes-gelt*, which continued a rent charge for the ſpace of three hundred years; and,

3. In

3. In the caſe of the *diſme* and *quin-diſmes*, which aroſe, within little more than the century after *Dane-gelt* expired, and levied the tenth or fifteenth of the ſubject's goods, from time to time, for the ſpace of three hundred years:

The value of the lands of *England* became impaired, by reaſon of the charge, and every purchaſer paid a leſs price, whilſt ſuch incumbrances continued upon them.

But, would our anceſtors have ſuffered either the pope, or the crown, to examine the conſciences of the people of *England* in the abſurd manner of this *country parſon?* Would it have been endured, either to ſet up a *right in conſcience* to the perpetuity of *Peter-pence*, or *Dane-gelt*, becauſe every modern purchaſer had bought his houſe or land the cheaper, by reaſon of ſuch burthens upon them?

Doubtleſs the ſame queſtions might have been aſked, in the caſe of *Peter-pence*, and of *Dane-gelt*, as in the caſe of tythe, and the ſame anſwer muſt have been returned; and,

When the ancient aids of *diſmes* and *quin-deſmes* had gained eſtabliſhment by courſe of time, and the land was become cheaper, by reaſon

reaſon of theſe *tenths* and *fifteenths* granted continually to the king; would not the crown have had an eſtate of perpetuity in the *tenth* lamb, the *tenth* fleece, the *tenth* ſheaf, and the *tenth* part of the goods of the ſubjects; or, in the *fifteenth*, according as theſe rates and impoſitions aſſeſſed the value of property? Would not the king have claimed his *tenth* or *fifteenth* by the ſame *rule of conſcience*, as the clergy ſet up to eſtabliſh their eſtate in *tythe?* And, becauſe the continuance of the impoſition had lowered the rent of all the lands, might not the king, with as much reaſon, have told the ſubjects, that the *tenth*, or *fifteenth* of their eſtates had been paid of ſo long continuance, as had extinguiſhed the rights of the *firſt* owners? Might he not have urged, in behalf of ſuch a rent charge, (as the clergy now urge for their tythe) that every man bought his land, and hired his farm, in expectation of being ſubject to ſuch a charge; and, that the price of the land, and the rent of the farm, being leſs on this account, no man could have right ever to be eaſed, ſince no man could have property in that which he did not purchaſe?

This may very fully evince the unreaſonableneſs of the *country parſon*'s plea:

But, for a ſhorter deciſion of the queſtion,

'If

'If you bought your lands and tene-
'ments with theſe incumbrances upon them,
'what right have you ever to be eaſed of
'them?'

I anſwer, that I have,

The right of a free ſubject, to enjoy the produce of his own labour;

The right of an *Engliſhman*, to enjoy his own poſſeſſions free and clear of all unreaſonable incumbrances;

And, my title to the incumbered part of my eſtate is ſo far good, as any other man's title to it is bad.

If I buy an eſtate with a *rent-charge*, an *annuity*, or a *mortgage* upon it, and theſe incumbrances ſhall be conſidered in the purchaſe; yet, if afterwards it appears that the perſons claiming this *rent-charge*, this *annuity*, or this *mortgage*, never had any juſt right therein:

Am I bound to make their bad title good in law or conſcience, becauſe I bought the eſtate cheaper, on ſuppoſition that they had lawful incumbrances upon it?

In

In the poſſeſſion of land I am in the condition of the *prime occupant:* I am not bound to ſhew my title to any man; I am not bound to ſhew that I bought it, or inherit it. It is ſufficient that I poſſeſs it, unleſs he can ſhew a prior or better right to it.

And, whether I bought my *freehold* cheaper or dearer, I am by law and conſcience entitled to hold it as free and clear, as if I had held it from the creation of the world.

This doctrine of gaining an *eſtate in perpetuity* through any impoſition upon land, which by length of time makes the *value of it leſs* in ſubſequent alienations, and, by pretended equity, the *intereſt in it* leſs to all new purchaſers;

Is of dangerous conſequence to the whole LANDED INTEREST of this kingdom.

It eſtabliſhes a right *ſomewhere* in a PERPETUAL LAND-TAX; becauſe within forty or fifty years time, ſince the land hath borne this charge, the value of land hath diminiſhed in proportion; and two thirds of the lands of *England*, having within that time by purchaſe or exchange paſſed into the hands of *new owners*, (as may probably be the caſe of

all our lands before this tax *can* be releaſed); therefore the *land owner*, who bought his land ſubject to the uſual land-tax, ſhall in equity and conſcience be for ever liable to pay *two*, *three*, or *four* ſhillings in the pound, by reaſon of his having bought the land *cheaper*.

And, the *country parſon* ſhall aſk him thoſe ſubtle queſtions, 'Is he a land owner? Let 'him be aſked, upon his conſcience, whether 'he paid any conſideration to the vender of 'the land beyond the uſual price, and upon 'ſuppoſition that no land-tax would be due 'from his land? Is he a farmer? Let him be 'aſked, upon his conſcience, whether he pays 'more rent than uſed to be given for the 'farm, and in conſideration of his paying no 'land-tax? If he cannot ſay that he either 'bought, or hired, the land-tax (and he can 'ſay neither) what title hath he to it? and 'therefore, there muſt be *another* owner who 'hath a *juſt* title to it.'

From *rules of property* and *rights of eſtate*, ſuch as this *country parſon* would eſtabliſh, it muſt follow, that no uſurpation on the lands of a kingdom could ever be reſumed, conſiſtently with conſcience; that the foundations of eccleſiaſtics, in the *church of Rome* itſelf, ought not to be taken away, becauſe the prieſts have

have the legal eſtate veſted in them; that the impoſitions of arbitrary power become matter of right, in perſons who can work the ancient *land owners* out of their inheritances; and, that, if SHIP MONEY had been exacted for a length of time, till the value of all our lands had ſunk under the exaction, *new purchaſers* would have had no right to have been eaſed of the burden, becauſe they would have bought the land charged with it, and cheaper by reaſon of it.

In ſhort, ſuch conſequences are unavoidable from this part of the *country parſon*'s plea, that were he to ſhew himſelf *in his proper figure*, ſpeaking in this manner againſt the right of the people of *England* to enjoy their own lands, an IMPEACHING PARLIAMENT might probably charge him as an *enemy to property*; a *betrayer of the rights and liberties of the people*; advancing *falſe doctrines of dangerous conſequence to the conſtitution of the kingdom, and which tend to ſubvert* the proteſtant *religion, to obſtruct all reformation in the* chriſtian *church, to receive* popery *and* popiſh *foundations, and to ſubject the commons of this realm to the yoke of enormous eccleſiaſtical power.*

Leaving him to the diſcipline of ſuch national juſtice, whenever it ſhall find him —— I totally

totally deny him, or any perſon living, to poſſeſs any eſtate in the land, by reaſon of its having been lowered in value, through an unjuſt impoſition; I conceive his *claim of tythe* to have no other foundation, in law or conſcience, than *Peter-Pence* had before it was aboliſhed by act of parliament; I conceive them both to have been uſurpations of the ſame nature, which grew and obtained in the times of darkneſs and devotion through the craft of a *mercenary* clergy, and the ſuperſtition of a blind *deluded* laity; I likewiſe apprehend, that as the wiſdom of parliament utterly aboliſhed *the one*, becauſe it impoveriſhed the kingdom, ſo the repreſentatives of the people have not only a right, but are bound in duty to moderate *the other*, whenever it ſhall be exorbitant in its amount, or oppreſſive in its exactions. But,

Becauſe the eſtate of the clergy in tythe, is ſo much inſiſted on as their right in *conſcience*, it may be fit to enquire on what conſideration they had their original grants. The confirmation of king STEPHEN is an evidence of this kind, the preamble to which is as follows, *viz.*

Becauſe *through the providence of divine mercy we know it to be ſo ordered, and by the church's publiſhing it far and near, every body hath*

hath heard, that by the diſtribution of alms perſons may be abſolved from the bonds of ſin, and acquire the rewards *of heavenly joys:* I Stephen, *by the grace of God king of* England, *being* willing to have a part with them, *who by an happy kind of* trading *exchange heavenly things for earthly; and ſmitten with the love of God, and for the ſalvation of my own ſoul, and* the ſouls of my father and mother, *and all my forefathers and anceſtors* (confirm tythes and other donations to the church *.)

After ſuch a ſpecimen as this, I cannot have the leaſt doubt that eſtates given under ſuch conſiderations, are of all others the moſt proper for the diſpoſition of parliment. But with reference to the *country parſon*'s charge againſt the Quaker, that "his *conſcience*, which will "not allow him to pay tythe, is *a conſcience* "which will not permit his neighbour to take

* Quoniam divina miſericordia providente cognovimus eſſe diſpoſitum, & longe lateque prædicante eccleſia, ſonat omnium auribus divulgatum, quod ELEEMOSYNARUM largitione poſſunt abſolvi vincula peccatorum, & acquiri cœleſtium præmia gaudiorum; ego Stephanus Dei gratia Anglorum rex *partem habere volens* cum illis, qui fœlici *commercio* cœleſtia pro terrenis commutant, Dei amore compunctus, & pro ſalute animæ meæ, *et patris mei matriſque meæ*, & omnium parentum meorum, et anteceſſorum, &c.

"and

" and enjoy *his own* property." It ſeemeth reaſonable to hear the Quaker ſpeak for himſelf; and the ſtrongeſt writer on this ſubject amongſt the Quakers, being *Anthony Pearſon*, formerly a juſtice of peace in *Weſtmorland*, let us hear what he ſays in his *great caſe of tythes*, on the queſtion *that tythe ought to be paid as a* rent charge *upon the eſtate.*

Unto which, *ſays he*, I anſwer,

" That though it were true, and could ' be proved, that my anceſtors gave tythes, ' and that for ever, yet am I not thereby bound ' to pay them, or ſtand any way chargeable ' with them. It is true, when they were owners ' of land, they might themſelves yield and ſet ' forth what part of their increaſe they pleaſed, ' or might have given the tenth, or any other ' part of their land as they would, or they ' might have charged upon the land what rent ' they liked; but they could not charge their ' poſterity with that which was no ways theirs, ' nor which, in any true ſenſe, conſtruction, ' or underſtanding, they could be ſaid to have ' any property in, and which is not paid by ' reaſon of that which is derived from them. ' For, tythe is neither paid of land, nor by the ' reaſon of the land, but is paid by the reaſon ' of the increaſe or renewing; and therefore the

' doctrines

'doctrines of the old fathers, and the popiſh 'laws for tythes, do as well require the pay-'ment of the tenth part of men's profit or 'gain, whether by trade, commerce, or mer-'chandize, as of the fruits of the earth. Yea, 'the tenth part alſo of wages, and perſonal in-'creaſe, though not raiſed immediately by 'land: and ſurely no man will ſay that he pays 'tythe of theſe becauſe his anceſtors charged 'him with them; nor will any man allow, that 'another perſon, by any gift of his anceſtor, 'can have another diſtinct property in the 'tenth part of the fruits of his labour; and the 'caſe is the ſame as to all tythes, whether pre-'dial, perſonal, or mixed. If I ſit ſtill and 'plough not, no corn will grow; if I ſit ſtill 'and work not, no profit will riſe; ſo that it 'is my labour, my diligence and induſtry that 'raiſeth the tythe, and in my power it is to 'make it leſs or more; and ſometime, yea of-'ten it falls out, that the tythe of corn is thrice 'more worth than the yearly value of the land 'on which it grows; and herein tythe of corn 'is far more hard and unequal than perſonal 'tythes; for the one pays but a tenth, all 'charges deducted; the other pays the tenth 'of charges and all.'

'Mine anceſtor could not charge me with 'that which doth not accrue by reaſon of

'that which I have from him; nor am I bound
'becauſe mine anceſtor left me land, to pay
'tythe, which is not paid by reaſon of the land,
'but of the increaſe, unto which I am no more
'tied by law, than he is who hath increaſed
'without land. If I have land and no increaſe,
'I pay no tythes. If I have increaſe, though
'no land, I ought by law to pay tythes. If I
'huſband my land ſo that the increaſe is not
'to be ſevered, no tythe can be recovered of
'me; and therefore if I paſture my land, no
'tythe ſhall be paid for the graſs which is eaten
'unſevered, but only a *rate tythe* for that which
'doth depaſture on it; which makes it plain
'that tythe is not paid by the reaſon of the
'land, but of the ſtock; and, in that alſo it
'lies in my power to make the tythe much,
'little, or nothing; if I plough, and ſow
'corn, the tenth part of the increaſe is ge-
'nerally more worth than the land on which
'it grows, which comes not by the land that
'deſcends from the anceſtor, but becauſe of
'the increaſe won with the great charge, in-
'duſtry, and labour of the huſbandman. If
'I paſture my ground with ſheep that yield
'a fleece, the tythe will be conſiderable,
'though not ſo much as by corn. If I paſture
'with cows or breeding-cattle, a much leſs
'tythe is paid: and if I eat up the paſture by
'horſes or barren cattle, a ſmall and incon-
'ſiderable

' ſiderable rate is only required; though in
' few places of the nation would that have been
' recovered in the times when *popiſh* laws were
' at greateſt height. But if I plant wood,
' and let it ſtand for timber; or, if I ſtore
' my land with beaſts which be *feræ naturâ*,
' wherein there is no perſonal property, no
' tythes ſhall be paid; or, if I will let my
' land lie waſte, (which may be ſuppoſed, be-
' cauſe it may be done) or will eat my mea-
' dow or corn ſtanding, no tythe can be requir-
' ed. All theſe inſtances manifeſt that tythe
' ſtill hath relation to the ſtock and perſonal
' eſtate, and not to the land; and is paid by
' the reaſon of the ſtock, and not of the land.
' And ſo no anceſtor could lay and perpetuate
' ſuch a charge as tythe upon it, nor could he
' bind his ſucceſſor to pay it. If by my an-
' ceſtor I am bound to pay tythe *ratione tenu-*
' *ræ*, or in conſideration of the land which
' he leaves me, to what value muſt it be of?
' I may yearly pay more tythe than the land
' he leaves me is worth: if I keep it in
' tillage, and if I paſture it I need not pay the
' twentieth part. Have I not herein (with-
' out fraud to my anceſtor) power to pay
' him much or little? How then is tythe
' like a rent certain (which is by ſome ob-
' jected?) If tythes were paid by reaſon of
' the land, ſurely there is moſt reaſon, that

' the

'the tenth part of the graſs renewing upon
'all paſture grounds ſhould be paid; for the
'land ſtill brings that with it; and, it is
'eaſily dividable by rent, or let by month.
'If *another* hath as good right to the tenth
'part of the increaſe, as the owner hath to
'the nine ——— why cannot he take it with-
'out the owner's ſetting it out, or recover
'it by action of debt or treſpaſs? But it
'is clear there is no title till it be ſet forth;
'and then, if the owner of the land carry
'it away, an action of treſpaſs lies, becauſe
'he had ſet it out, and given it to another,
'and ſo altered his property, as one man
'doth by marking his cattle for another man;
'and therefore it is, that the law which com-
'mands tythes, doth not give power to any
'one to take the tythe, becauſe he had no
'title, but enjoins the owner to ſet it forth;
'and in ſo doing to make it another's *by*
'*his own conſent.* If any man claims tythes
'by my anceſtor's gift, may I not aſk him,
'to whom, or for what my anceſtor gave
'them? And, it is plain beyond denial, that
'all thoſe gifts of land or tythe in *England*
'(ſince *Auſtin* the monk planted the *popiſh*
'faith, and preached up the new payment
'of tythes) were given to *popiſh* prieſts, for
'ſaying prayers for the ſouls of the givers
'and their deceaſed anceſtors, as old conſe-

'crations do witneſs: and therefore in reaſon, 'if the conſideration and ſervice be ceaſed, 'ſo ought alſo the wages; for no man in 'law or equity ought to claim wages, when he 'will not do the work for which it was given; 'and ſeeing theſe *popiſh* prieſts and prayers 'are laid aſide, the gift (if any ſuch were, 'and could be binding) ought to return to 'the donor; and may not, without his conſent, 'be perverted to another uſe.

'But ſome object (as the *country parſon* hath 'done in his *plea*) that

When I or my anceſtor bought the land, it was ſold cheaper *(becauſe it was ſuppoſed it ought to pay tythe,) than I or my anceſtor could have bought ſuch land as was known to be* tythe-free; *and therefore, having a* cheaper *bargain, I am bound in equity to pay tythe.*

I anſwer,

'That, I have already proved all land is 'tythe free; and that the charge of tythe is 'upon the ſtock and perſonal eſtate, and not 'upon the land. And, the ſtrength of this 'objection lies in comparing thoſe who pay 'tythes, with thoſe who are free Thoſe who 'buy lands *tythe free* are eaſed of this oppreſ-

'ſion,

'ſion, and are in no hazard: and, though all 'others ought to be ſo, yet it being a que-'ſtion, whether they can eaſe themſelves of 'the burthen, they buy under a hazard, and 'are ſubject to ſuch a charge. But if they 'caſt off the yoke, *they get but what is their 'own*; and ſeeing we have denied the *pope*'s 'authority and ſupremacy, we may, ſo ſoon as 'we can, wholly caſt off the burden which he 'laid on us: and thus, he that buys lands 'in the years of trouble and heavy taxes 'may, perhaps, buy much cheaper than when 'none or little is paid: ſhall he therefore be 'required to pay taxes when others are diſ-'charged? Or, ſhall he that bought cheap 'pennyworths on the borders between *Eng-'land* and *Scotland*, when thoſe parts were in-'feſted with *moſs-troopers*, always pay tribute 'to thieves and robbers? We bought land 'when the pope's yoke was upon our necks; 'and if we caſt it from us, we may by as 'good reaſon be eaſed of our tythes, as they 'of their taxes. But if I bought it *cheaper*, 'what is that to the ſtate or the prieſt?'

This is the Quaker's defence againſt the charge of *ſetting up a title on the plea of conſcience to* another *man's eſtate*; wherein he proves, that his tenth, which the parſon claims in the produce of land, is neither his right

by any condition annexed to the inheritance nor by any conſideration allowed in the purchaſe; that neither the donor of the land gave, or could give it; and that neither conſcience nor equity can require the Quaker to pay it.

The queſtion will then depend upon the judgment of the legiſlative power; and we are ſtill in the proper method of debating, what meaſures the legiſlative ought to preſcribe, between the parſon and the Quaker in the *caſe of tythes.*

We are told upon this footing of the judgment of the legiſlative power, and with ſome air of triumph, that perſons withholding tythes are ſtiled *evil-diſpoſed perſons*, 27 *Hen.* VIII. *not regarding their duties to* God *and the king*, 32 *Hen.* VIII. and acting of an *ungodly perverſe* will *and mind:* to which the *parſon* might have added, *moved and ſeduced by the inſtigation of the devil:* ——— it would have made the ſame impreſſion on the *commons of Great Britain*, before whom he is pleading; and, it would have been as full an anſwer to the charge upon the clergy of *oppreſſion, avarice and injuſtice in their ſuits for tythe.*

The

The words *perverſe, ungodly, undutiful to* God *and the king*, prove nothing but that the prieſts, who had power to obtain a penal ſtatute, had leave to call people names in the preamble to it. But

If it be urged as the ſenſe of thoſe times concerning non-payment of tythe, will the *parſon* allow me to cite other ſtatutes, made about the ſame time, as the ſenſe of the law-makers upon other eccleſiaſtical pretentions?

I fear, the ſenſe of parliament hath very little weight with the clergy, when it is not on the ſide of their ambition; and therefore I may not perhaps hold it concluſive, when, influenced by their ungodly management, it lets them looſe to defame and damn their enemies, as *enemies to* God *and the king*.

The ſtatute of the firſt year of *Edward* VI. *cap.* 2

Declares,

'That elections of archbiſhops and biſhops, 'by deans and chapters, are as well to the 'long delay, as to the great coſts and charges 'of ſuch perſons whom the king gives any

'archbiſhoprick or biſhoprick unto, and that 'the ſaid elections be *in very deed no elec-* '*tions*, but only by a writ of CONGE 'D'ELIRE have *colours*, *ſhadows*, or *pre-* '*tences of elections*, *ſerving nevertheleſs to no* '*purpoſe*, and ſeeming alſo derogatory to the 'king's prerogative royal.'

This act of parliament, though not held at preſent to be in force, doth certainly ſhew the *ſenſe of our anceſtors* on the ſubject of electing biſhops.

Will the clergy allow us to ſpeak of their *pretended* elections of biſhops in the terms of this act of parliament? No —— it is againſt divine right. If then they will not allow the *inſtitution of biſhops* to be tied down, to the preface of a law made in *Edward* VI's time, will they tie every man down, *in the equity of tythes*, to the preface of a law made in *Henry* VIII's time?

I truſt in the right of an *Engliſh* ſubject, that we ſhall not be reſtrained, from a larger conſideration of ſo important an affair, and that neither our duty to God or the king ſhall be queſtioned, for no better reaſon than our difference of ſentiments in the affair of *tythes*.

I reverence an act of parliament as much as any man living. It is the act of that power which we are all bound to truſt and obey. But I am not ſo far concluded by an act of parliament, that I ought either to believe *implicitly* whatever it declares, or not to ſollicit the repeal of what it may enact.

And, I cannot but obſerve,

1. That when *Henry* VIII. unravelling his own reformation, went retrograde into the worſt meaſures of popery, he paſt the *act of the ſix articles* in his 31ſt year, wherein he eſtabliſhed *auricular confeſſion* and *tranſubſtantiation*. And

2. That in the next year he paſt the act for the *payment of tythes*, wherein is the famous expreſſion of perſons *not regarding their duties to* God *and the king*.

If therefore *tythes*, *tranſubſtantiation*, and *auricular confeſſion*, are of the ſame growth and family, we ſhall find that the ſame reaſoning from acts of parliament, which makes the *payment of tythes* a DUTY to God *and the king*, by the ſtatute of 32 *Hen.* VIII. would as forcibly prove *tranſubſtantiation* and *auricular con-*

ſeſſion to be articles of faith fit for a chriſtian to believe in, becauſe they are ſo declared, by the ſtatute of 31 *Hen.* VIII. which impoſed thoſe *ſix bloody articles* famous in the ſtory of thoſe times. And,

To ſay that the act of the *ſix articles* is repealed, but that the *tythe act* is ſtill in force, would make the matter infinitely ridiculous; for

This would ſuppoſe that our *duty to God*, or our *faith in Chriſt*, depends altogether on the exiſtences and duration of acts of parliament: So that it may be a *duty to God*, or not a *duty to God*; an *orthodox creed*, or not an *orthodox creed*, as different parliaments happen to be of different opinions.

If the *country parſon* is diſpleaſed, that ſuch abſurdities ſhould be laid at his door, he ſhould be leſs forward to preſs the ſenſe of our anceſtors, and authorities out of the ſtatute books, in proof of ſuch points as *duties to God*, wherein every man may take the bible and his own conſcience to be ſafer guides than any act of parliament.

If he is diſpleaſed, that the ſenſe of our anceſtors, and authorities out of the ſtatute books

books ſhould be urged in ſupport of the rights of the laity againſt the uſurpations of the clergy, I muſt tell him, that to protect the people from injuſtice, is the proper and eſſential care of parliament, but that to define *duties to God*, is beyond the bounds of human authority; and though parliaments may ſpecify what doctrines clergymen ſhall teach, yet they cannot require *any man to believe them*, becauſe though the parſon is the *ſervant* of the legiſlative power, yet every man is *maſter of his own conſcience.*

Our *duty to God*, as to the payment of tythes, is therefore in every reſpect as queſtionable, and as *conſcientiouſly* to be denied, as if thoſe laws had never been enacted: And,

The payment of tythes, as a *duty to God*, being denied by the quakers, and by almoſt all other men;

The *common good* can be the only juſtifiable reaſon for impoſing it as a common charge.

Thus, we are once more in the caſe, where we ought to be, of debating the merits of this bill upon the principles of public juſtice.

The people called *Quakers* who are moſt oppreſſed by ſuits for tythe, apply for the better regulation of ſuch ſuits, that they may be leſs oppreſſed by them.

As a people profeſſing the religion of *Chriſt*, they cannot pay tythes or wages to the clergy, becauſe they believe in their conſciences that *Chriſt* aboliſhed tythes, and forbid the payment of wages to the prieſthood.

If they are in an error, it is the error of their conſciences, and they ought not to be puniſhed for it. But,

As ſubjects profeſſing a dutiful obedience to the government under which they live, they yield according to the Goſpel of *Chriſt*, ſubmiſſion to the civil magiſtrate, and what he takes from them, for the maintenance of the clergy, they patiently acquieſce in;

They make no reſiſtance to the officer who diſtrains their goods for tythe. And,

Can any thing be more reaſonable, than to appoint an officer, who ſhall at their charge ſet out the tythe, when it is due in kind, or levy it, when it ought to be paid in money? Or,

Can any thing be more unreaſonable, than to authorize the parſon to ſue the Quaker, not only for the tythe, but for *three times the value*, becauſe he hath *not ſet it out*, when he is diſabled by his conſcience, and when any other man may be appointed by law to *ſet it out for him?*

We are told by the *country parſon*, that every *wiſe* clergyman, for his own ſake, and every *good* clergyman, for his neighbour's ſake, will take the *eaſy* and *cheap* method which is left to his option by former acts of parliament; and,

Therefore, it is inferred, the legiſlature ought not to tie the clergy down, to this *eaſy* and *cheap method*, becauſe the wiſeſt and beſt of them already uſe it for their own ſake, and their neighbours. But,

If the *wiſeſt* and *beſt* uſe it of choice, this will be an argument, that the *unreaſonable* and *unjuſt* ſhould be reſtrained to it. For,

Are the ſubjects of *England* to have no better ſecurity againſt oppreſſion, than the wiſdom and goodneſs of the clergy? Or,

Ought the clergy to be truſted with a power, which, according to *the parſon's* confeſſion, neither a wiſe clergyman nor a good clergyman can uſe, without miſchief either to himſelf or his neighbour?

Where the *power of oppreſſion* is, acts of oppreſſion will undoubtedly be. No church, no ſtate, no body of men ever had this power but they uſed it. And,

Whoever gives an authority to oppreſs, is the author of oppreſſion.

This truth, which is written in characters of blood in all the hiſtories of mankind, is reaſon and evidence to juſtify a bill which reſtrains an oppreſſive power in the church:

A reaſon ſo convincing, an evidence ſo clear, as makes it *trifling with the juſtice* of parliament, when the clergy demand proof that they *do* oppreſs, whilſt every man who hath eyes muſt ſee that they *may* oppreſs.

If they *may* many of them *will:* but,

If they *may not* none of them *can* commit oppreſſion. And,

If

If they *have not* oppreſſed by that power whereby they *may* oppreſs; yet, it is incumbent on the juſtice of an houſe of commons to reſtrain ſuch *oppreſſive power*. Becauſe,

It is more the duty of parliament to prevent grievances than it is to redreſs them; it is more compaſſionate to ſave men from injuſtice than to relieve them under it; it is an happier effect of law to preſerve property than to repair it; it is a nobler act of juſtice to reſtrain a crime than to puniſh it; and it is a more perfect conſtitution of government, under which oppreſſion is not practicable, than that under which it *is* practiſed, and *may be* puniſhed.

By a paper which I have ſeen, in the hands of Gentlemen (ſince this bill hath been depending) entitled *An account of proſecutions of the people called* Quakers *in the ſeveral courts, ſince the ſeventh and eighth of king* William *the third*, Anno 1696, *when the* Affirmation-Act *was obtained, which gave* juſtices *of the peace power to judge of tythe demanded under the value of ten pounds*;

It appears that there have been,

Pro-

	Proſecutions.	*Priſon.*	*Died in Priſon.*
In *chancery*	38	10	1
In the *exchequer*	787	185	2
In the eccleſiaſtical courts	269	81	2
In the common-law courts	59	16	0
In all	1153	292	5

The Quakers add, that 'they are very 'imperfect as to the whole number of ſuits 'brought, becauſe ſeveral times ſuch ſuits were 'made an end of in the country, and no ac-'count given of them to their *meeting of ſuffer-'ings*; and many times, when friends were 'diſcharged from impriſonments *by acts for re-'lief of inſolvent debtors*, there were no ac-'count given; and, the like deficiency often 'happened, when their relations paid to re-'leaſe them out of goal.'

They alledge, 'That the demands for 'tythe have been innumerable, within forty 'years paſt; but that the nature of the 'proſecutions, and ſums levied by them may 'be judged of, they have collected forty-four 'caſes, where the demands amount to 188 *l.* 3 *s.* '8 *d.* and the ſums levied to 2252 *l.* 6 *s.* 10 *d.*

'One

'One *Iſaac Averil* was proſecuted three 'ſeveral times for three ſeveral ſums amount-'ing to 19 *l.* for which he had taken from him '187 *l.* 10 *s.*

'There was one friend a priſoner *ten* years 'for *forty* ſhillings.

'Another, a priſoner *four* years for *one* 'ſhilling.

'Two were priſoners *five* years for *twenty* 'ſhillings.

'One was a priſoner *nine* years for ſmall 'tythe.

'One was a priſoner *ſix* years for *four pounds* '*ten ſhillings.*

'They find an account of fifteen perſons pro-'ſecuted for above ten pounds each;

'The demands on the whole fifteen being '313 *l.* 9 *s.* 6 *d.* there was taken from them for 'that demand 1068 *l.* 7 *s.* 4 *d.* 2 *q.*

'They further ſpecify the names of the fol-'lowing perſons with the tythe demanded *under*

'*the*

'*the value of ten pounds*, and the ſum levied on
'on account thereof, *viz.*

	of whom was demanded			and levied		
	l.	*s.*	*d.*	*l.*	*s.*	*d.*
James Haviland	8	00	0	61	00	0
Thomas Strong	1	10	6	15	11	6
Richard Caſe	0	13	0	37	11	6
Thomas Drape	4	10	1	50	00	0
Robert Holliday	0	11	6	60	00	0
Henry Wake	1	4	6	30	00	0
Joſiah Williams	2	00	0	30	00	0
John Taylor	1	5	8	44	18	0
Alexander Moore	6	15	11	87	16	11
Jeremiah Ellis	1	00	0	44	00	0
George Bewley	3	10	0	93	10	0
Sam. Tully and *T. Warner*	3	2	8	75	16	0
William Pearſon	0	13	0	19	16	0
Jonathan Peaſely	7	0	0	237	5	0
Daniel Williams	0	1	6	100	0	0
Thomas Ellwood	0	12	0	24	7	6
Abraham Butterfield	8	0	0	90	0	6
Roger Jenkins	0	14	6	84	10	6
Richard Allen	1	15	6	80	0	0
Thomas Jenkins	1	5	0	67	10	0
John Townſhend	4	00	0	77	14	0
Francis Chairman	7	16	0	73	0	0
	66	1	4	1484	6	11

This is a ſpecification of ſuits, which the *country parſon* and his colleagues complain of, as

as omitted *in the caſe of the Quakers.* I am told, that the regiſters of their *meeting of ſufferings* have recorded the caſes *at large*; and that they will inform any gentleman of the particulars of their hardſhips; which I mention, becauſe, having no acquaintance amongſt them, I am without fuller information myſelf, nor have I applied, where, I believe, I could not be refuſed; becauſe, if I knew the exacteſt ſtate of every caſe, it could not be diſcourſed of within the extent of theſe papers.

The *number of ſuits* herein ſpecified, the *priſoners*, the *diſtreſſes*, and the immenſe diſparity between the demand and ſum exacted in ſuits for tythe, muſt raiſe abhorrence in any compaſſionate mind. The ſingle article of ONE HUNDRED POUNDS taken for *eighteen pence* would be juſt provocation, for aboliſhing all the tythes of the clergy, if their ſuits could not be carried on in more humane methods. Such an inſtance of oppreſſion in any civil concern would raiſe an inſurrection: and, that men endure it from their ſpiritual guides, ſhews the univerſal paſſion for an intereſt in another world; though, the utmoſt force of imagination cannot paint an HELL more terrible to our fears, than what the cruelty of the clergy daily ſets before our eyes.

In

In eleven hundred and fifty-three ſuits they made two hundred and ninty-two priſoners; in fifteen ſuits where the claims amonnted to 313 *l.* they exacted 1068 *l.* which was at the rate of *one hundred* pounds for leſs than *thirty* pounds; in forty-four ſuits where the claims amounted to 188 *l.* they exacted 2252 l. which was at the rate of *one hundred* pounds for little more than 8 *l.* and, in twenty-two ſuits where the claims amounted to 66 *l.* they exacted 1484 *l.* which was the rate of *one hundred* pounds for leſs than *four pounds ten ſhillings*. Or if we take theſe eighty-one ſuits all together, the ſums demanded make 567 *l.* which compared with 4804 *l.* the total ſum taken, is in the proportion of *one hundred* pounds levied, for every ſum of *eleven pounds five ſhillings* demanded.

Compute the medium of the charge in any manner it is monſtrous and enormous. Suits attended with *ſuch coſts* are a ſcandal on the juſtice of the kingdom, not to mention the profeſſion of the goſpel. And therefore this bill, which is deſigned to ſhorten ſuits and limit coſts, will vindicate the laws as much as it will eaſe the people.

I perfectly agree with the *country parſon* in 'this *plea*, 'That to ſecure property is one 'main end of government, and that therefore 'all *opinions*, all *practices* inconſiſtent with the 'preſervation of property, are alſo inconſiſtent 'with government and ſociety.'

No man can be more tender of property than I have ever been, and always ſhall be. But I think, that the laity have a property in their goods, as well as the clergy in tythe;

That *nine parts in ten* are a more valuable property than *a ſingle tenth* can pretend to be;

That the property *of a tenth* ought not to devour the property of all *the other nine*;

And, that it is deſtructive of all property to levy *four thouſand eight hundred and four pounds* on the laity, where the ſum of 567 *l.* is the whole demand of the clergy.

The *country parſon* hath a conceit, that this bill is the only inſtance of an application to any government in the known world, to countenance an *opinion* deſtructive to the property of any of the ſubjects.

But

But ſurely, if it be his conception, he is wrong, vain, and unwarrantable.

That lands held in *mortmain*, or that the ſtagnation of property in dead hands, is contrary to the good of the kingdom, hath been the *opinion* of our parliaments, and the principle of our *laws*, ever ſince the foundation of this government, however deſtructive it muſt be to what *churchmen* call their property.

But further, that the Quakers hold the maintenance of the clergy to be antichriſtian and unreaſonable, is fact; for,

That any ſect ſhould account it a ſufficient charge upon them to maintain their own teachers, is but reaſon:

And that the Quakers, who pay nothing at all to their own teachers, ſhould be obliged to maintain the teachers of any other ſect, is to them not only an hardſhip, but an abomination.

Now this which tends to take away the maintenance of the prieſthood, may to a parſon ſeem very naturally deſtructive of *what he calls* his property. But,

Becauſe

Becauſe the Quaker withholds the *tenth* which the law gives the parſon a title to, ſhall *he* take *the other nine* which the law can give him no title to? And, by reaſon of a claim of 567 *l.* conſume *four thouſand eight hundred and four pounds* of the Quaker's ſubſtance? And, more prodigious! ſhall he take an *hundred pounds* for *eighteen pence?*

I envy the clergy no maintenance which the law gives, or can give them; but, the maintenance of the prieſthood ought not to devour the ſubſtance of the whole people, like the *ears* of corn in PHARAOH's DREAM, *that ſprung up withered, thin, and blaſted with the* eaſt wind; and *devoured the* ears that were full and good.

I have not contended either for taking away, or for making leſs, that maintenance which the law allows them. But I have always been of opinion, that to aſk it from the good-will of ſociety, and to take it without cruelty or oppreſſion, will more firmly eſtabliſh their revenues than the moſt arrogant claims of *divine-right*, or the moſt rigorous meaſures of eccleſiaſtical tyranny.

I firmly believe, that to ſeek for no more than their due, would be the ſureſt means of always receiving their due;

I have ever obſerved, that the more they talk of their privileges, the leſs other people think of them:

And, whatever light I may ſtand in with the *reverend order*, I believe, I am a better friend to their intereſts than many of themſelves can pretend to be; for *they* would maintain that exorbitant uſurpation of power, which they cannot make uſe of without making themſelves moſt odious; whereas, I would *diſable them* from hurting their calling, or the cauſe of religion, by tyranny or by injuſtice.

I am of opinion, that if the church ſhall on every occaſion oppoſe itſelf to the loud *complaint of the land*, and perſiſt in theſe obſtinate claims of powers, too heavy to be borne, the clergy will make the cauſe of the church ſuch a load upon its friends, that the torrent of public reſentment will be ſtronger than any miniſter can ſtem; the paſſions of mankind unreaſonably provoked, will not be eaſily appeaſed, and though a *ſmall ſacrifice* might have contented every one in the beginning, yet when popular rage is too far incenſed, *a great one* will not ſatisfy in the end.

Nothing

Nothing ſo much calms and ſweetens mankind, as the frank redreſs of a crying grievance. Any ſingle hardſhip generouſly taken away, diſpoſes the bulk of mankind to endure a thouſand; they are ſubdued by gentleneſs and mercy, but grow reſtiff and head-ſtrong under oppreſſion.

In all ſocieties and ſtates, it is ſeen from the *pariſh prieſt* to the prince and ruler of the country, that he who aſks with the greateſt moderation, is paid with the greateſt liberality.

I am therefore moſt clear, that the *country Parſon* is an enemy to the intereſt of his order, by obſtinately oppoſing that eaſe which the people aggrieved by tythe are likely to obtain by this bill.

'He ſays, indeed, that paſſing this bill in 'compliance to the obſtinate Quakers, will 'make them be eſteemed as confeſſors, who by 'their ſteadineſs have made the law give way, 'and exalted their miſguided conſciences above 'the property of their fellow-ſubjects.' But,

May it not be ſaid with greater truth?

That

That rejecting this bill, in compliance to the obſtinate clergy, will make them be conſidered as a *a dead weight upon the conſtitution*; which, by its continual obſtruction, keeps common juſtice at a ſtand, and exalts the ambition of churchmen above the rights of their fellow-ſubjects.

Is any property in the kingdom ſacred from regulation beſides theirs? or, is it fit that any ſhould be?

Hath not the wiſdom of parliament provided laws, for the *limitation of ſuits*, and for the prevention of *frivolous and vexatious arreſts?*

Have not acts been made, to regulate the courts, and officers of juſtice, to diſcharge priſoners for debt, and to reform the gaols? Yet,

Did any man oppoſe theſe acts by claims of *birthright* in the law, and inſolent demands of *property*, as if the law could ſtand in obſtruction to public juſtice, or property in any one be a reaſon for the oppreſſion of all?

To adjuſt the bounds of property, and to make the power of every ſubject compatible with

with the ſafety of all the reſt, are the higheſt ends of government:

And therefore all *opinions*, all *practices*, which tend to the exemption of any order of men from public enquiry, or public juſtice, are utterly inconſiſtent with government and ſociety.

If an order of men have advantages from law, which are inconſiſtent with juſtice, ought not the law to give way for the free courſe of juſtice? Or ought the *legiſlative power* to exiſt in vain?

Is it to be a power, which, in any caſe having been miſguided to oppreſs, ſhall for ever remain without capacity to right the injured ſubject?

If arguments of this ſort had prevailed with our fathers, we ſhould have continued, as abſolute bigots and ſlaves to the church, at this hour, as our *fellow chriſtians* are in *Italy* and *Spain*.

If arguments of this ſort prevail for the time to come, we ſhall never be allowed to repeal or amend any law beneficial to the prieſthood, however grievous to the people,

ſince the prieſts claim a *birthright in the law*, to bound the legiſlative power. But,

The bill ought to paſs, were it only for the ſake of an example, that it is not in the power of a *mitred doctor*, by his *letters miſſive* ſtirring up petitions from every dioceſe, to intimidate an houſe of commons in a matter of this high concern to the juſtice of the kingdom.

If ſuch arts are ſucceſsful to encreaſe the *waſte paper on the clerks table*, I hope, a body of *Engliſh* gentlemen will never weigh petitions *in quantity* againſt any bill whatever; eſpecially bills for the reformation of the church, againſt which, they are certain of having as many remonſtrances as there are deaneries, archdeaconries, chapters, colleges, or eccleſiaſtical precincts in *England*, *Wales*, and the town of *Berwick upon Tweed*.

Another reaſon that the bill ſhould paſs, is, that *if it paſs*, the clergy are *deſirous to have it made general*.

This ſeems to be the only equitable propoſition in the *country parſon*'s plea; though I have been told, that his brethren wiſely hope to defeat the bill, by extending the benefit

nefit of it to ALL the people of *England!* But,

I cannot believe, that any man living will diſlike a bill, becauſe he and his friends are to ſhare the good effects of it, as well as the people called *Quakers.*

Nor, will I imagine, that any ſet of men can be ſo ſimple, as to be againſt this act for the eaſe of the Quakers, on account of its being ſo highly expedient for every one elſe.

I am exceedingly deſirous that it may be made general; and that the *Committee of the whole houſe* may ſecure not only the Quakers, but the whole people of *England* from eccleſiaſtical oppreſſion. Yet,

If it ſhould paſs confined to the Quakers only, (which I am credibly informed that people do not deſire;)

It ſhall nevertheleſs have my hearty concurrence.

Becauſe, when a law is obtained of ſo much good to one part of the ſubjects, it will

be more eaſy to procure the like relief for all the reſt; and,

An houſe of commons will have this act of indulgence to build upon, as the foundation of univerſal liberty. For this reaſon,

We ought to favour the Quakers as the firſt *movers in the cauſe of liberty*; and notwithſtanding the unhandſome and unwarrantable language which ſome of the clergy beſtow upon this innocent people,

I will ſay what my experience of them can juſtify, (nor was I without a full knowledge of them in the former part of my life;)

They deſerve protection and indulgence as much as any part of his majeſty's ſubjects:

They are unqueſtionably attached to the ſucceſſion in his *proteſtant* royal family, and zealous in promoting the felicity of his reign;

They are naturally intereſted in the liberties of *England*, as a people whoſe religion can have no other refuge:

They are univerſally employed in trade and induſtry; they have the ſmalleſt number of

of members either unprofitably rich, or miſerably poor; and, they are the leaſt to be accuſed of *luxury*, *corruption*, or LAW-SUITS of any ſet of men in the kingdom.

And, in juſtice to their principles,

I have ever thought their religion to be well deſerving of countenance from a free and wiſe government. For,

It tends to eſtabliſh no hierarchy, to monopolize no property, to inveſt no lands in uſeleſs or dangerous ſocieties, to form no intereſt ſeparate from the common good, to detach no part of the people from natural induſtry, nor to enſlave any other part by bigotry and blind dependence.

If ſome little ſingularity in their forms may occaſion witleſs drollery on their perſons, wiſe men will excuſe them, from the good effects even of their moſt rigid inſtitutions. For,

By this means they preſerve a modeſty of apparel amongſt their people, which no *ſumptuary* laws that have been made in *England* could produce amongſt us; and, a purity of manners, which ſhews our *reforming ſocieties*

to be as deſpicable as they are uſeleſs, or worſe.

If they are deſcribed, by thoſe that do not know them, as *ſtiff* and ungraceful in their deportment, ſo far is it from being true, there are not any people in the world of more flowing affability, more ſocial kindneſs, and eaſy humanity than many of the Quakers, who are taxed with ſtiffneſs of behaviour by the prieſthood; though there is not a day of ſun-ſhine, but the *expreſs image* of all *prieſt-craft* may be ſeen in St. *James's Park*, cloathed in *church-buckram*, with that *inſolent gremace*, and *powerleſs formality*, which would not leſs move the contempt of a Quaker, than the indignation of a gentleman. Laſtly,

If the Quakers are traduced, by a defaming *parſon*, as *not regarding their duties to* GOD *and the* KING, becauſe they will not yield tythe to the clergy;

It may for the concluſion of this diſcourſe, be juſtly obſerved in their favour; that,

1. As to their duty to *almighty* GOD,

Not

Not conceiving the clergy to have any right of maintenance from reaſon or revelation, this people who do not pay it, are juſtified in refuſing it. But,

That the clergy, who whenever they adminiſter the goſpel by deputation, rarely give their ſubſtitute a better maintenance, than any gentleman gives to a *livery ſervant*,

Should tax the laity, and encumber the land, to be maintained in the luxury of lords, and the pride of ſovereign princes: or,

Should, in the inſtance of every *country parſon*, think it reaſonable to demand in recompence for the *cure of ſouls*, five times, nay frequently ten times, as much as any parſon alive will *pay their curate* for diſcharging the office in his ſtead;

Is ſuch a contradiction, ſo full of enormity and impoſture, as gives not only every Quaker, but every man cauſe to conclude, that all of the profeſſion aſk more than any of them deſerve, by their own rule of paying *prieſts wages*. And,

2. As to their duty to the KING,

The Quakers never were queſtioned, till they were reflected on by this *country parſon*, whoſe *loyalty* perhaps wants a better argument, to convince the world of its *ſincerity*, than this *immoderate zeal for tythe:*

A perſon*, of whom it may be fairly ſaid, becauſe it is notoriouſly true,

That he had ſo far abandoned the obligation of his oaths, as to have no method of making the world ſuſpect him of *ordinary allegiance*, but by the moſt *proſtitute compliances:* and, that he was a JACOBITE in all men's opinion, till, as the loweſt implement and moſt officious advocate of *corruption*, he ſhewed the *Whiggs*, that, ſervile by nature, and venal by profeſſion, he could be the SLAVE of their power, though incapable of becoming a proſelyte to their principles of liberty; and that, he could be reconciled to the *penſions* of the court, though not to the title of a *proteſtant* ſucceſſor.

From ſuch a man, ſuch a charge of *not regarding duties* to GOD and the KING,

* The character of Dr. *Sherlock*, then biſhop of *Saliſbury*, late of *London*.

ought

ought to be conſidered as pure defamation on the Quakers, proceeding from malevolence to the rights of all mankind.

It can make no impreſſion to their diſadvantage;

And therefore I humbly hope, *that the bill ſhall paſs.*

A

SERMON

Preached before the Honourable

Houſe of COMMONS,

January the 30th, $1\frac{699}{700}$.

Being an Anniverſary SERMON for the DAY.

By *WILLIAM STEPHENS*, B. D.
Rector of *Sutton* in *Surry*.

From a Copy corrected by the Author.

LONDON:

Printed in the Year 1700.

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Advertiſement.

N. B. The *Honourable Auditory* before whom the following ſermon was preached, having expreſſed their miſlike, I never deſigned to have had it printed: but ſince it is ſtolen uncorrectly into the world, without my privity, I hope it will not be imputed as a crime, that I amend the *errata* of the preſs.

WILL. STEPHENS.

THE EDITOR TO THE PREACHER.

SIR,

SINCE the *Printer* informed me, that he will make a ſecond impreſſion of your ſermon, I thought it might be fit to offer you ſome ſatisfaction for printing it without your conſent. For although I was told, that you were obſtinate in refuſing to print it, yet I thought it might be uſeful to the public, and no ways diſſerviceable to you to publiſh it.

Wherefore, having gotten a copy, I gave it to a printer, only with this charge, that he ſhould make the impreſſion as cheap as he could, for as I obſerved, that the preaching of it made you ſome enemies, ſo I concluded that the printing of it might gain you ſome friends; becauſe the miſrepreſentations which were given abroad concerning it would vaniſh away.

And as to the *reflection* which was made upon you by a ſuppoſitious clergyman, I appeal to my Lord Archbiſhop of *Canterbury*, if he did not receive ſatisfaction from a worthy member of parliament, being a man of unſpotted reputation, that was objected againſt you by the *reflecter* as to your flying from a ſuſpected proſecution *, was wholly *falſe* and *ſcandalous*.

SIR,

I wiſh you well, and am yours, &c.

* High-churchmen were ſo much exaſperated againſt the author for this diſcourſe, that they raiſed and propagated a ſhameful lie, of his being obliged to fly from *Briſtol* for ſodomy.

TITUS III. 1.*

Put them in mind to be ſubject to principalities and powers, to obey magiſtrates, and to be ready to every good work.

TO underſtand the reaſon of this, and ſuch-like admonitions, which frequently occur in the apoſtle's writings, two things may be premiſed:

I. That about the time of our Saviour Chriſt, there aroſe one *Judas* of *Galilee* (who is mentioned *Acts* v. 37.) preaching ſeditious doctrines to the people, and teaching, (as St. *Jerom* in his comment on my text obſerves,) That they ought to own no Sovereign Prince, but God alone: and if they paid their tythes to the prieſt, they were diſcharged from paying tribute to the emperor. And upon this account it was (as St. *Jerom* believed) that the *Phariſees* aſked our Saviour that captious queſtion, *Is it lawful to give tribute to Cæſar, or no?* Matth. xxii. 17. Now to this account *Anaſtaſius Nicenus* adds, that the followers of this *Judas* were very numerous, and called by the

* In the firſt edition of this volume, I had the misfortune of printing the following diſcourſe from a very incorrect copy; but this is printed from the true and genuine copy of the author.

name

name of *Galileans*, and commonly looked upon as men ill affected to the *Roman* government: particularly, becauſe, when they offered ſacrifice, they refuſed to make ſupplication for the emperor and people of *Rome*; upon which account it is thought that *Pilate*, the *Roman* deputy of *Judæa*, *came upon them whilſt they were ſacrificing, and putting them to the ſword, mingled their blood with the blood of the ſacrifices*; as you may read, *Luke* xiii. 1.

And from hence it was, that our Saviour Chriſt and his diſciples were ſuſpected of favouring ſeditious doctrines, becauſe they came out of *Galilee*, as is obſerved by St. *Chryſoſtom*, in his twenty-third *homily on the Romans*, wherein he ſaith, that great reports were ſpread abroad, as if the diſciples were a factious, ſeditious people, and deſigning againſt the government. It muſt alſo be confeſſed, that many of the *Jews*, who were converted to the chriſtian faith, were not ſufficiently reſpectful to the higher powers which God's providence had ſet over them: for which Mr. *Calvin* gives this reaſon, Since the powers that were then in being oppoſed themſelves to our Saviour Chriſt, they thought them unworthy of reſpect and honour.

Now what hath been ſaid concerning the *Galilean* perſuaſion, ſhews the reaſon why the apoſtles

apoſtles do ſo frequently in their letters direct the chriſtian churches to loyalty, or a due ſubmiſſion to magiſtrates.

1. To clear themſelves from the falſe and ſcandalous imputation of having imbibed the doctrine of *Judas* the *Galilean*. And,

2. To undeceive all thoſe that had been perverted by that ſeditious doctrine.

II. The ſecond thing I would premiſe, is, That about the time when St. *Paul* wrote this epiſtle, the people of *Crete* (which was *Titus* his dioceſs) were unruly and mutinous. *Grotius* ſays, that they were always a factious people; and for that reaſon St. *Paul* wrote to *Titus*, their biſhop, to *put them in mind to be ſubject to principalities and powers, to obey magiſtrates, and to be ready to every good work.*

I. I ſhall take occaſion from hence, Firſt, To make a juſt comment upon the text.

II. To ſet forth the reaſons and grounds upon which the apoſtles founded their doctrine of obedience to civil magiſtrates. And,

III. To apply theſe reaſons in conjunction with the occaſion of this day's humiliation. And,

I. Firſt,

I. Firſt, It may be obſerved, that St. *Paul* does not direct *Titus* to teach the doctrine of civil obedience as a new thing, but only to refreſh their memories therewith, *to put them in mind*, &c. For men cannot be ſuppoſed ignorant of the abſolute neceſſity of government, to the defence and ſupport of ſociety; which were, in effect, to ſuppoſe, that 'twere better to lead the lives of beaſts than men, and that the world were willing to lie under the continual calamity of war and oppreſſion, filled only with a rout of fools and madmen. 'Twere to ſuppoſe every ſingle perſon willing to expoſe himſelf to the uncontrolled world, and bid defiance to the unbounded power, rage, and malice of mankind. We cannot but ſee ourſelves linked together by common wants into public ſocieties, and that theſe ſocieties cannot ſubſiſt, unleſs they are upheld by the power of government, whoſe wiſdom and juſtice muſt appear by a due adminiſtration of good laws: and from hence we cannot but ſee a neceſſity of *principalities and powers*, of ſuperior and inferior *magiſtrates*, without whom laws can be neither made nor executed. From whence 'tis very viſible, that ſubjection to a good government is as much our intereſt as it is our duty. This was evident to the *Pythagorean* ſect of old, who would not ſuffer the blood of any creature to be ſhed for their uſe,

but

but yet allowed the ſword of the magiſtrate to cut off malefactors.

The following words in my text, are, *Principalities* and *Powers*. Now the word in the original ſignifying ſomething which is prime and principal, muſt denote the ſupreme eſtabliſhed power, from whence inferior authorities are derived, and is the ſame with the *higher powers* mentioned *Rom.* xiii. 1. But becauſe St. *Paul* ſpeaks of *principalities and powers* in the *plural* number, 'tis likely that he alludes to the diſtinction (which was ſo common among the *Romans*) of the greater and leſſer powers, the former of which, during the commonwealth, were the conſuls, pretors, and cenſors; all which powers, in St. *Paul*'s time, were veſted in the emperor, and made up the imperial dignity. The leſſer powers were all thoſe derived from hence, and were ſubordinate hereunto. And this diſtinction was ſo nicely obſerved among the *Romans*, that *Julius Cæſar* puniſhed a tribune, becauſe he ſuffered himſelf to be ſtiled one of the higher powers. *Sueton.*

But in the text it muſt be obſerved, that our obedience becomes due, not only to the ſupreme, but inferior authorities; for the *Cretans*, to whom *Titus* preached the goſpel, were part of a *Roman* province, governed by inferior officers, deputed from *Rome*, who were the magiſtrates they

they were exhorted to obey. For though the ſuperior and inferior powers differ greatly, if compared among themſelves; yet, with reſpect to the ſubjects obedience, they are to be regarded alike; ſo that we cannot wilfully diſobey the inferior, without affronting the ſovereign authority. If then the *Cretans* would obey the emperor, it muſt be by ſubmiſſion to the ordinances and officers which he had appointed to their iſland; and if they behaved themſelves ſuitably to theſe magiſtrates, they diſcharged their duty to the imperial power which deputed them.

We ſee that a large family cannot be governed by the perſonal preſence of the maſter, much leſs can an empire; ſo that there will be need to call in to the prince's aſſiſtance, ſuch perſons into whom he may diffuſe ſome meaſure of his political ſoul, and thereby unite them as members to his own body politic; whereupon they are to be treated as the hands, arms and eyes of majeſty: and hence *Titus* admoniſhed them, not only to *be ſubject to principalities and powers*, but *to obey magiſtrates*.

II. The ſecond thing I propoſed to ſpeak to, were the reaſons upon which the apoſtles grounded their doctrine of civil obedience; which are two:

The

The one is given by St. *Paul*, who teaches, That, *every ſoul ſhould be ſubject to the higher powers*, becauſe *the magiſtrate is the miniſter of God to us for good*, Rom. xiii. 1, 4.

The ſecond reaſon is given by St. *Peter*, *viz.* becauſe all governments and governors do ariſe from our own conſent, *Submit yourſelves* (ſaith the apoſtle) *to every ordinance of man, for the Lord's ſake, whether it be to the king as ſupreme*, &c. Where note, That the king is called the ordinance, or creature of man, becauſe the ſovereign power itſelf is veſted in men, according to human compact: and from hence our ſubjection is urged by the apoſtle St. *Peter*, in his *firſt Epiſtle, ſecond chapter, verſe* 13.

1. To begin with St. *Paul*'s argument, who calls magiſtracy a divine ordinance, becauſe of the excellent uſe of it, whereby good magiſtrates reſemble the divine power, wiſdom and goodneſs, in ſecuring to all men their rights and properties; in preſerving the peace, health and ſafety of ſocieties, both with reſpect to body and ſoul. But to be more particular.

1. *The preſervation of property was the firſt benefit for which magiſtracy was deſigned.* Now property is originally attained by the labour of either body or mind; for ſuppoſing the earth

to

to have been common to its firſt inhabitants, it will follow that whoever took the pains to cultivate any part of it, and lay up neceſſary ſtores for his uſe, had by this his induſtry made himſelf the true proprietor thereof. And could we ſuppoſe this new proprietor to be as well guarded, as that man we read of in the Goſpel, *who was well armed, and kept his palace and goods in peace*, yet it may likewiſe be ſuppoſed, (as it there follows) *that if a ſtronger than he ſhall come upon him, he will take from him all his armour wherein he truſted, and divide his ſpoils.* And this uncertain condition of property ſhews the reaſon of men's uniting into ſocieties, and ſetting up forms of government, which is for mutual defence and preſervation of property: and that, not only for the benefit of the preſent poſſeſſors, but of future generations. So that, what becomes a man's own, either by labour, gift or purchaſe, may with ſafety be enjoyed by himſelf, and alſo conveyed down to his poſterity.

2. Life and limbs are ours by the gift of God. And theſe properties are liable to be invaded and deſtroyed: though they cannot (like other goods) be transferred to the uſe of the ſpoiler. And ſince there is ſo much variance and malice, pride and ſtrife among mankind, what ill offices may not one man apprehend from another? But when deſtructive

malice,

malice, a fiend of hell, ſhall transform itſelf into an *angel of light*, and perſuade men that they are then inſpired with the ſpirit of God, when they are poſſeſſed by the *Apollyon*, the great enemy and deſtroyer of mankind, when under the pretence of religion itſelf, men ſhall exert their ſharpeſt malice, not only againſt the poſſeſſions and liberties, but againſt the lives of one another; how great need is there of the magiſtrates interpoſing power to diſarm them of their ſpiritual as well as carnal weapons of warfare, to take away the ball of contention from among them, and the power of evil-doing from all contending parties? And,

3. In this the magiſtrate is God's miniſter to us for good, not only with reſpect to the preſervation of our liberties and lives from deſtruction, but of our ſouls from ſin; for whilſt this juſt liberty, this natural right of worſhipping God, according to that knowledge he hath given us, is ſupported by law, no man is forced into hypocritical compliances, contrary to the direction of his conſcience, but every one may worſhip the One True God in ſingleneſs of heart; whereas on the other hand, if in matters of religion, force be ſuffered to take the place of reaſon, all religions will be alike, and (as colours in the dark) undiſtinguiſhable.

And

And although the magiſtrate can beſtow no divine grace upon the ſouls of men, yet whilſt by puniſhing vice, immoral practices are reſtrained, he prevents the overflowing of ſin in a land. And if ceaſing to do evil, be one ſtep towards learning to do well, whilſt the civil powers reſtrain us from immoralities, they turn us out of the broad way of perdition into the paths of righteouſneſs and peace.

From hence then it appears, *that they who are wanting in their ſubmiſſion and aſſiſtance to the civil miniſtry of God, are falſe to their own intereſt, as well as that of their poſterity.* Whereas on the other hand, he who is ready to every *good work* which may ſupport this divine miniſtry to us for good, will be ſure, in the performance of his duty, to find his account.

Let us then take a view of our goods and chattels, houſes and lands, wives and children; let us conſider the bleſſings of health, ſafety and liberty: let us think how to preſerve our lives from deſtruction, our ſouls from ſin: whether we eat or drink, or ſleep or wake, or whatever we do with comfort or ſafety, we hereby diſcover our continual obligation to the good magiſtrates care over us, whereby we are *put in mind to be ſubject*, &c.

2. The

2. The other reaſon of ſubmiſſion given by St. *Peter* is, *becauſe all governments and governors ariſe from the peoples conſent.* They are the ordinances and appointments of men, the creatures of human compact. For we do not find *that God did appoint any form of political government for a pattern to be followed by any ſociety now in being upon the earth.* We ſee no ſuch rule in the book of nature; nor do we read in ſcripture of any particular polity preſcribed to all, or any people, now imbodied in the world. We read there, that all governments and governors are appointed by God's providence, *By me kings reign*, &c. But we find no particular adminiſtration, no particular family, or ſingle perſon, now in being, ordained to government by divine precept: but each magiſtrate and magiſtracy is left to the ordinance and appointment of thoſe men who have joined themſelves together in ſociety.

The great variety we ſee in civil government, ſhews, *that they are all the effects of human contrivance, and ſuited to the ſeveral intereſts of the reſpective ſocieties:* thus the ancient charter of the neighbouring city *, containing all thoſe uſeful and neceſſary powers, by which ſo great a body is governed, Was it not the wiſe contrivance of their anceſtors? And did it not receive its eſtabliſhment from the principalities

* *London.*

and powers of the realm? the great charter of the realm itſelf is no more than the wiſe ordinance of our forefathers: and the dates of its royal confirmations are ſtill remaining among us. And as ſeveral ſmaller ſocieties have their free cuſtoms diſtinct from one another; ſo in different nations there are various lodgments, even of the ſovereign power, which appear to be the effects of free-will; becauſe in every rational government, ſomething may be obſerved which is peculiar and diſtinguiſhing.

Furthermore, have we not ſeen the forms of government, even in the ſame nations changed from what they formerly had been? as in *Sweden*, *France*, and *Denmark*. And have not our eyes beheld of late years, the legal form of the *Engliſh* monarchy degenerated into tyranny, and again recovered, through God's bleſſing, together with the courage and conduct of the man of his own right hand, who by reſtoring our ancient liberties, juſtly recommended himſelf to the imperial crown of this realm by the free conſent of the people?

Nor was it otherwiſe of old, when *Moſes* was by meekneſs and miracle recommended of God to be the father of his country. For tho' by a divine power he wrought out *Iſrael*'s deliverance from *Egypt* by conducting them into the wilderneſs, yet there was no form of government

vernment eſtabliſhed among the tribes till *Jethro* made a viſit to his ſon-in-law *Moſes*, to whoſe counſel it was owing that a ſound polity was ſet up in the land of *Iſrael*. For inſtead of the whole burden of the government lying upon *Moſes*, which *Jethro* told him *was not good*, he directs him *to provide out of all the people, able men, ſuch as fear God, men of truth, hating covetouſneſs, and place ſuch over them to be rulers over thouſands, rulers of hundreds, rulers of fifties and rulers of tens; and let them judge the people at all ſeaſons. And it ſhall be* (ſaith *Jethro*) *that every great matter they ſhall bring unto thee, but every ſmall matter they ſhall judge*, *Exod.* xviii. 17, 21, 22. Thus the burden of the civil government ſhould ſit eaſy upon the governors, and the people ſhould receive a quick diſpatch of their affairs.

Moſes (as you read) follows this advice, and joins himſelf with the tribes of *Iſrael* in the choice of perſons fit for this adminiſtration, as will appear by comparing the 25th verſe of the forecited chapter with the firſt chapter of *Deuteronomy*. In the former verſe we read that *Moſes choſe able men out of* Iſrael *and made them heads over the people*. But the latter place ſhews that the people's conſent was had in the election of theſe officers. For ſo *Moſes* repeats the circumſtances of that action, *Deut.* i. 9, *&c. And I ſpake unto you at that time ſaying, I am*

not able to bear you myſelf alone, &c. *take ye therefore wiſe men and underſtanding, and known among your tribes, and I will make them rulers over you.* From hence it appears.

1. That the old conſtitution of *Iſrael*'s government, was the contrivance of *Jethro* an *Heathen*, and the magiſtrates who were in the adminiſtration were choſen by the joint conſent of *Moſes*, and the people. And,

2. That no one perſon, though never ſo able, ſo wiſe, and valiant as *Moſes*, is ſufficient to govern a nation without the advice and joint aſſiſtance of inferior magiſtrates. Much leſs ſuch a man who hath no pretence to the ſpirit and character of this divine legiſlator.

It has been thought by ſome, that a great conqueror might form a civil government in a conquer'd nation, without the conſent of the people by the ſole power of his own will. And ſuppoſe it were ſo, then that government, would be an human ordinance, becauſe the conqueror is but a man. But I deny it to be poſſible for any conqueror, though never ſo great, to make himſelf a king over any people without their conſent. For to let paſs what our hiſtories tell us of the capitulations which followed the reſpective conqueſt of the *Saxons*, *Danes*, and *Normans*, before they erected any form

form of government in this land. Let us ſuppoſe that a great general, with a powerful foreign army, ſhould ſo far over-run a nation that the people thereof could not be able to make any conſiderable reſiſtance; in ſuch a caſe the relations of *lord* and *ſlave* are actually introduced by the conqueſt. The conquerors are *lords* and the natives *ſlaves:* but then this ſtate is a ſtate of war ſtill, but no political or civil conſtitution. The abſolute *lord* and his *ſlave* are as yet, upon no civil terms with one another, no obligations have as yet paſſed between them, but they are both left to their own wills; and if the lord may take away the life of his ſlave, the ſlave is under no obligation of dealing otherwiſe with his lord. So that if this great general intends to rule in peace over the conquer'd people he will find himſelf conſtrained to enter into ſome terms of compact with them, upon which they are willing to accept him for the head of their government, and oblige themſelves to obey him. But put the caſe that a nation, to avoid preſent deſtruction, would conſent to make themſelves legal ſlaves, this can no more oblige them than an honeſt man is bound to keep promiſe with a barbarous highwayman; for iniquity cannot be eſtabliſhed by a law, much leſs can it bind poſterity, of whoſe lives and liberties they had no right to diſpoſe. And conſequently, they

juſtly reſtore themſelves to a ſtate of freedom, whenever they are able.

And if a mighty conqueror cannot attain a civil power over a conquer'd people without their conſent, how ſhall he obtain it over his own conquering nation, without their free concurrence? Did this victorious people leave their native country, with all the liberties they enjoyed therein, to follow their chief into a foreign land, wherein they hoped to find a better ſettlement for themſelves and poſterity; would they indure all the hardſhips of war, and by their ſweat and blood purchaſe an intire conqueſt that they might be reduced to the miſerable condition of the conquer'd people? that is, to become ſlaves to their general. I allow, that this chief may by the help of his own people, make himſelf owned by the conquered upon advantageous terms. But by what inviſible power ſhall he gain to be (I will not ſay abſolute maſter but even) the civil head over his new ſettled colony? It can be nothing elſe but their own free conſent which can inveſt him with a political headſhip over them. And then, how great reaſon have they to pay a due ſubmiſſion to that ordinance which themſelves have made, and to ſubmit to principalities and powers which were their own appointment, and for their own benefit?

III. Having

III. Having thus ſet forth the apoſtolical grounds of civil obedience, I crave leave to make ſome improvement of them: firſt by way of general application, for to inſiſt on the diſmal effects of this day's tragedy (with which you have been annually acquainted all your lives) would be ſuperfluous labour. And therefore I ſhall rather endeavour *to offer ſome cautions which may probably prevent the like miſchiefs for the future.* But,

1*ſt.* The apoſtolical reaſons of obedience being duly conſidered, may ſerve to allay the fears and jealouſies of ſome good men, who have conceived, that a national government hath not ſo ſure a foundation as is neceſſary, if it be only bottomed upon human compact: becauſe mens minds being ſubject to frequent alterations, all governments will, as they think, be very unſteady.

And it muſt be acknowledged, that in all dubious matters, wherein the judgment cannot come to a determination, the minds of men will be unſettled. So likewiſe in ſmaller matters, ſcarce worthy of ſerious deliberation, men will act differently. Nay, in matters of moment, ſome men may ſuffer themſelves to be carried away by unaccountable capricio's: but yet none of theſe things can any ways endanger

a conſtitution ſettled upon the foundations before mentioned.

Firſt, Becauſe a good government is a matter of ſo neceſſary importance, that no man in his wits can doubt, whether he ſhall concur to its ſupport or not. And

Secondly, *The compact by which all governors are introduced, is evermore ſolemn and deliberate; and attended with the ſtrongeſt tye to the ſovereign power by which 'tis poſſible for a man to ratify the ſolemn obligations he has contracted.* For ſuch a bond is, *The oath of the Lord*; by which the allegiance of the ſubject is confirmed. And if a deliberate compact, freely entered into, upon the wiſeſt and ſtrongeſt motives of advantage, confirmed by ſolemn oaths and promiſes, be not a ſufficient eſtabliſhment, 'tis hard to ſay what is ſuch. And notwithſtanding ſome men may ſuffer themſelves to be carried away from a uſeful and neceſſary eſtabliſhment, by reaſonings contrary to the general ſtream of a nation, it cannot be preſumed that the number and abilities of ſuch men will ever be ſufficient to unhinge any tolerable adminiſtration of a government thus eſtabliſhed.

Indeed, nothing but an abſolute neceſſity, and ſuch as is viſible in an extraordinary manner, will be effectual to work a change in any

ſettled

ſettled conſtitution, ſuch an one, as renders mankind fully ſatisfied, without the leaſt remaining ſcruple, that the government then in being, is not the ordinance of God to them for good.

2. From what hath been ſaid it alſo appears, *That no man's pretence to the memberſhip of any pure apoſtolic church, can excuſe, much leſs warrant his diſaffection to that government which God's providence and man's conſent have ſet over a people for their good.*

I ſpeak this to take away that ſcandal which ſome have endeavoured to fix upon the *church of England*; as if ſhe had laid any obligation upon her ſons, in oppoſition to the preſent conſtitution: whereas the contrary truth is ſelf-evident. For does not our church, in her *ſixth article*, receive all the books of the New Teſtament, as they are commonly received, and account them canonical? Is not my text part of that canon? And are not all our biſhops and clergy thereby obliged, as much as *Titus* was, to put their hearers in mind of their *ſubjection to principalities and powers?* Or can we pretend to be members of an apoſtolical church, if we carry ourſelves unſeemly toward ſuch a government, whoſe adminiſtration directly tends to our common good, and was alſo our own ordi-

nance and appointment, which are the apoſtolical reaſons of civil obedience?

I ſpeak not this, as if by virtue of the miniſterial function we could pretend to preſcribe forms of civil government to nations, to determine the *regalia* of princes, or the ſubordinate powers of inferior magiſtrates. *The book of God* does not furniſh us with abilities for this work, much leſs require it of us. It injoins us to make peace among our neighbours, by endeavouring to incline mens minds to a peaceable temper; but it does not enable us to judge the leaſt point of legal right which is in controverſy between them; much leſs does it teach us to determine the rights, titles or powers of princes and magiſtrates; but yet it enjoins us to *put men in mind to be ready to every good work*, which may contribute to ſupport a good government.

Thirdly, From the doctrine already ſet forth, in conjunction with the misfortunes of that ſovereign prince which we are this day called to remembrance, ariſeth matter of caution to two ſorts of people.

Firſt, To all thoſe who have the honour to ſhare the public adminiſtration, that they make it their equal care that the government which at preſent we enjoy, may be always *the miniſtry*

of

of God to us for good. For ſuch an adminiſtration applies the text in the moſt ſenſible manner, convincing every one that he ought to be *ſubject to principalities and powers, to obey magiſtrates, and to be ready to every good work.*

It is well known, that the character of a good prince is raiſed ſo high in the Holy Scripture, that ſuch are called *Gods upon earth*; to admoniſh them of that continual overflowing kindneſs, that univerſal beneficence, that tender care and concern for their peoples welfare, which their high office requires. And from the Scriptures we are alſo informed, that the kind providences of God are immediately conveyed to men by his holy angels, who are therefore called *miniſtring ſpirits*, *Hebrews* i. 14. and are moſt eſpecially employed in works of deliverance. By their means *Lot* was delivered out of *Sodom*, *Iſaac* from the arm that was ſtretched forth to make him a ſacrifice, *Iſrael* was conducted through the wilderneſs to *Canaan*, *Elijah* delivered from famine, and at laſt carried from earth to heaven. By their means *Daniel* was delivered from the lions, and the three *Iſraelites* from the fiery furnace. Theſe were the heralds who firſt publiſhed the redemption of the world by our Saviour Jeſus Chriſt, who likewiſe delivered *Peter* from his chains, *Paul* and *Silas* from their impriſonment.

Whereby a pattern is ſet up to the *miniſtry* of a great and good prince; who are hereby directed to cultivate and adorn that deliverance which their *Great Maſter* hath wrought out for his people.

Firſt, By the being meſſengers and promoters of thoſe methods which may for ever hereafter ſecure our liberties from danger of relapſe.

Secondly, By a diligent avoiding of all thoſe methods by which the glory of former princes has been eclipſed, and the hearts of their people alienated from them.

The ſubordinate miniſtry is the viſible majeſty of the king, whereby he is made known to his people, and more eſpecially in time of peace; for, though during a war, the perſonal courage and conduct of a great prince is made very public, whilſt his perſon is expoſed to the view of multitudes; yet when peace ſhall reſtore him to a more private ſtate of life, his perſonal endowments, though never ſo illuſtrious in themſelves, cannot become viſible to the body of a people, any other way than by the conſtant care and conduct, the great diligence and public ſpirit of thoſe to whom he hath committed the truſt of his people's welfare: The want of this neceſſary concern for *public*

good,

good, did, in ſome meaſure, aſſiſt in bringing on that tragical ſcene, which is this day commemorated. As 'tis commonly ſeen, that men in a private condition of life are reduced to great miſeries, by the male adminiſtration of thoſe to whom they had committed their private truſts.

But when a *public miniſtry* ſhall join together hearts and hands, only to promote the *public weal*, without the leaſt deſign of warping the *prince's favour* towards any one *party of men*, which like the light of the ſun, and breathings of the air, is deſigned for common comfort and refreſhment, no jealouſies, fears or diſaffections can ariſe; 'twill then be impoſſible for the moſt wicked and malicious to diſturb the *public peace*, but the king's throne will be *eſtabliſhed in righteouſneſs*, and the voice of the *people* will be, *O king live for ever.*

Secondly, A ſecond caution affects all thoſe who are concerned *for the body of the people*, that they let ſlip no opportunity wherein *public advantages* are offered to them. The ſupreme magiſtrate is the greateſt *miniſter of God to us for good:* but God himſelf is not wont to enforce his kindneſs upon us; but *expects our own concurrence for our own behoof:* and when a gracious prince ſhall make it appear, both by *words* and *facts*, that he *cannot have any ſeparate*

intereſt

intereſt from that of his people; when he ſhews himſelf *ready to every good work* which is *eſteemed beneficial to his people*; though his compliance therewith may be complicated with ſome circumſtances of ſelf-denial, 'twould be a matter of ſad reflection, if the *public weal* ſhould not be improved by the advantages which *ſo good and gracious an inclination adminiſters unto us.* An unanimous conſent in any matter of *public benefit* will certainly procure it. *To know what is good for us, is to attain it.*

There is alſo one rule which our Saviour Chriſt has left with us, tending to the improvement of knowledge, which when reduced to practice, will ſuffer no man to be *ignorant of what is good and fit to be done*; 'tis only to carry a *ſingle eye* about us, according to what is ſaid, *Matth.* vi. 22. *The light of the body is the eye, if therefore thine eye be ſingle, thy whole body ſhall be full of light:* if the eye of a man be carried on ſingly (without any biaſſing affection) toward either public or private good, he will certainly diſcover the good which he looked for. But if in the ſearch after public weal, any private by-ends be aimed at; if a private love to ourſelves, or a particular reſentment againſt any *perſons* or *parties*, ſhall over-rule; if either the admiration or diſeſteem of others, ſhall incline men to refuſe *good proviſions*, or embrace *ſuſpicious propoſals*; if any thing

thing beſides a *ſincere deſire to promote the public weal*, ſhall bear ſway in a *public council*, 'tis no ſtrange thing if *darkneſs* ſhall be called *light*, and *light darkneſs*.

It may alſo be obſerved, that amongſt the many qualifications which have recommended our holy religion, no one has more forced its way among ſerious and conſidering men, than *its being ſo admirably adapted to the happineſs of mankind, and the good of ſocieties.*

Unbelievers have denied its *miracles*, and its *myſteries* have been diſputed and derided by *ſceptical* and *profane men*. But the greateſt oppoſers of the chriſtian name, can neither deny nor diſpute the real tendency of *meekneſs*, *moderation*, *punctual juſtice*, and *univerſal good-will*, to make men live well one with another, *doing to others as we would have them to do to us*, and *loving our very enemies*, leave no room either for private oppreſſion, or public diſturbance. The ſpirit of this religion will not ſuffer us to perpetuate animoſities, or carry on ſuſpicions too far: to think that men who have once been in the wrong, can never be convinced, never repent of their errors: 'twill ſuffer no ſuſpicions to hinder from a due conſideration of any *propoſals* in behalf of *public good*, from whatever quarter they may come: where the *ſingle eye* is thus directed in a ſtrait line towards the public

weal, the *whole body of ſuch a council will be full of light*, whereby they will certainly diſcover *the things which belong to our peace*. Theſe things can never be hid, when a prince and people are thus in queſt of them.

God forbid therefore, *That this day of ſolemn humiliation ſhould be made uſe of to flatter princes with notions of arbitrary power, by drawing any concluſions from the ancient government of God's peculiar people, which may colour over modern tyranny**.

God forbid! That the *Roman* imperial power in the hands of *Claudius* or *Nero*, ſhould be owned as God's miniſtry, under which the apoſtles of Chriſt ſuffered martyrdom. To entertain people with the melancholy thoughts of fetters and chains, which when laid upon them by ill princes, yet they muſt not endeavour to remove under penalty of eternal damnation, tends only to exaſperate human nature, and make way for ſuch another day of humiliation as that we are now celebrating: which, may divine goodneſs, for ever prevent! God forbid, that this day ſhould be made uſe of to continue heats and animoſities

* From the beginning of this paragraph, to the end of the ſermon, there appears the maſterly hand of Mr. *Trenchard*, the author's friend, who wrote this ſhining concluſion.

among us, which ought long ſince to have been buried in oblivion. Eſpecially when the tragical ſcene of this day, was not then the act of the whole nation; and few ſpectators of it, ſcarce any actors in it, are now remaining.

But ſince the condition of the greateſt men upon earth is ſubject to ſuch *fatal cataſtrophes*, as that was which this day brings to mind; I cannot but lament the unhappy fate of thoſe princes who are born in purple, and bred in luxury; encompaſſed with flatterers, and ſo intoxicated with the gaudy ornaments of power, as to forget the end for which they were elevated, and made gods upon earth. They little conſider that this greatneſs is ſupported by the inheritance of the gentleman, the hazard of the merchant, and the ſweat of the labourer; who readily contribute out of their ſmall ſtock to ſupport a government they themſelves have ſet up. Who are contented to part with their natural liberty to thoſe who formerly (it may be) were their equals, for their common good and protection; which is the only end of government. A due reflection hereon would make them firſt of all adore the goodneſs of God whoſe providence hath ſo diſtinguiſhed them, and alſo love and cheriſh that ſociety of men, who hath raiſed them to ſo high a ſtation, and ſubmitted themſelves and their fortunes,

fortunes, in a great meaſure, to their diſcretion. Then the world would ſee the beſt men in the higheſt places, ſenates in authority, magiſtrates in eſteem, and the temple of virtue the only paſſage to that of honour. Ambition and corruption will be out of countenance, and the world will triumph in an undiſturbed felicity. The prince will be happy in the reverence and eſteem of his people, and the people ſafe in the generoſity of the prince.

All this and more we may expect from his majeſty's moſt happy reign, who was not (like others) nurſed up in flattery, but taſted early of the cup of affliction, that his greatneſs might be owing to his own courage, virtue and integrity, and not the uncertain gift of fortune. Wiſe by nature, improved by early adverſity, and conſummated by long experience in all the paths of greatneſs; a prince loved and obeyed by his own ſubjects, honoured by his allies, dreaded by his enemies, and will be admired by late poſterity.

Nor do I here inſiſt upon his great performances in the art of war, in which other princes have had their ſhare, and are often themſelves the wretched trophies, erected upon the tears of miſerable men. But in his early years, to reſtore his native country, and ſince that, the liberties of three moſt potent nations, are glories

glories peculiar to himſelf, and cannot be equalled by the exploits of the moſt renowned chiefs, either of the *Aſſyrian*, *Grecian*, or *Roman* monarchs And to conſummate all the felicity that can happen to mortal man, it hath been a particular honour reſerved by providence for him alone, that as wherever he ſet his foot, ſlavery fled before him like a phantom, ſo in his dominions and under his protection, are almoſt all the remains of liberty now known in the world.

Not that I ſpeak this, or any thing elſe I have here ſaid, for your information, (for I know from what *honourable aſſembly* I ought to receive inſtruction) but as my text directed me, for your remembrance.

A

DISCOURSE

CONCERNING

Unlimited Submiſſion

AND

Non-reſiſtance to the *Higher Powers*:

With ſome Reflections on the Reſiſtance made to

King *CHARLES* I.

— AND ON THE

Anniverſary of his Death:

In which the MYSTERIOUS Doctrine of that Prince's Saintſhip and Martyrdom is UNRIDDLED:

The Subſtance of which was delivered in a SERMON preached in the Weſt Meeting-houſe in *Boſton* the LORD'S-DAY after the 30th of *January*, 1749-50.

Publiſhed at the Requeſt of the Hearers.

By JONATHAN MAYHEW, D. D.
Paſtor of the Weſt Church in *Boſton*.

Fear GOD, honour the King. Saint PAUL.
He that ruleth over Men, muſt be juſt, ruling in the Fear of GOD. Prophet SAMUEL.
I have ſaid ye are Gods—but be ſhall die like Men, and fall like one of the PRINCES. King DAVID.

Quid memorem infandas cædes? quid facta TYRANNI
Effera? Dii CAPITI ipſius GENERIQUE reſervent—
Necnon Threïcius *longe cum veſte* SACERDOS
Obliquitur——— *Rom. Vat. Prin.*

First printed at *Boſton* in *New-England* 1750.

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The following advertiſement, prefixed to the original edition, is here preſerved.

THE author of this diſcourſe has been credibly informed, that ſome perſons both formerly and lately, have wrote either at, or about him —— ſomething; (he cannot well tell what) in the common news-papers, which he does not often read. He therefore, takes this opportunity to aſſure the Writers of that rank, *and in* that form, *once for all, that they may ſlander him as much as they pleaſe, without his notice, and, very probably, without his knowledge. But if any perſon of* common ſenſe *and* common honeſty, *ſhall condeſcend to animadvert in a* different *way, upon any thing which he has publiſhed, he may depend upon having all proper regard ſhewn to him.*

J. M.

PREFACE.

THE enſuing diſcourſe is the laſt of three upon the ſame ſubject, with ſome little alterations and additions. It is hoped that but few will think the ſubject of it an improper one to be diſcourſed on in the pulpit, under a notion that that is preaching politics, inſtead of CHRIST. However, to remove all prejudices of this ſort, I beg it may be remembered, that "all ſcripture——is profitable for doctrine, for reproof, for CORRECTION, for inſtruction in righteouſneſs." Why, then ſhould not thoſe parts of ſcripture, which relate to civil government, be examined and explained from the deſk, as well as others? Obedience to the civil magiſtrate, is a chriſtian duty: and if ſo, why ſhould not the nature, grounds and extent of it be conſidered in a chriſtian aſſembly? Beſides, if it be ſaid, that it is out of character for a chriſtian miniſter to meddle with ſuch a ſubject, this cenſure will at laſt fall upon the holy apoſtles. They write upon it in their epiſtles to chriſtian churches: and ſurely it cannot be deemed either criminal or impertinent, to attempt an explanation of their doctrine.*

It was the near approach of the Thirtieth *of* January, *that turned my thoughts to this ſubject: on which ſolemnity the* ſlaviſh *doctrine of paſſive obedience and non-reſiſtance, is often warmly aſſerted;*

* 2 Pet. iii. 16.

and

and the diſſenters from the eſtabliſhed church, repreſented, not only as ſchiſmatics, (with more of triumph than of truth, and of choler than chriſtianity) but alſo as perſons of ſeditious, traiterous and rebellious principles—GOD be thanked one may, in any part of the Britiſh *dominions, ſpeak freely (if a decent regard be paid to thoſe in authority) both of government and religion; and even give ſome broad hints, that he is engaged on the ſide of liberty, the BIBLE and common ſenſe, in oppoſition to tyranny, PRIEST-CRAFT and non-ſenſe, without being in danger either of the* Baſtile *or the* Inquiſition *:—Though there will always be* ſome *intereſted politicians, contracted bigots, and hypocritical zealots for a party, to take offence at ſuch freedoms.* Their *cenſure is praiſe:* Their *praiſe is infamy—A ſpirit of domination is always to be guarded againſt both in church and ſtate, even in times of the greateſt ſecurity; ſuch as the preſent is amongſt US; at leaſt as to the latter. Thoſe nations who are now groaning under the iron ſceptre of tyranny, were once free. So they might, probably, have remained, by a ſeaſonable precaution againſt deſpotic meaſures. Civil tyranny is uſually ſmall in its beginning, like "the drop "of a bucket*," till at length, like a mighty torrent, or the mighty raging of the ſea, it bears down all before it, and deluges whole countries and empires. Thus it is as to eccleſiaſtical tyranny alſo,*

* Iſaiah xi. 15.

—*the*

—*the moſt cruel, intolerable and impious, of any. From ſmall beginnings,* "*it exalts itſelf above all* "*that is called* GOD *and that is worſhipped**." *People have no ſecurity againſt being unmercifully* prieſt-ridden, *but by keeping all imperious* BISHOPS, *and other* CLERGYMEN *who love to* "*lord it over God's heritage,*" *from getting their* foot *into the* ſtirrup *at all. Let them be once fairly* mounted, *and their* "*beaſts, the laity*†," *may* prance *and* flounce *about to no purpoſe: and they will, at length, be ſo* jaded *and* hacked *by theſe reverend* jockies, *that they will not even have* ſpirits *enough to complain, that their* backs *are* galled; *or, like* Balaam's *aſs, to* "*rebuke the* "*madneſs of the prophet*‡."

"*The myſtery of iniquity began to work*‖" *even in the days of ſome of the apoſtles. But the kingdom of Antichriſt was then, in one reſpect, like the kingdom of heaven, however different in all others.—It was* "*as a grain of muſtard ſeed*†." *This grain was ſown in* Italy, *that fruitful field: And tho' it were* "*leaſt of all ſeeds,*" *it ſoon became a mighty tree. It has long ſince overſpread and* darkened *the greateſt part of* Chriſtendom, *ſo that we may apply to it what is ſaid of the tree which* Nebuchadnezzar *ſaw in his viſion—*"*The* "*heighth thereof reached unto heaven, and the* "*ſight thereof to the end of all the earth—And*

* 2 Theſ. ii. 4. † Mr. *Leſlie.* ‡ 2 Pet. ii. 16.
‖ 2 Theſ. ii. 7. † Mat. xiii. 31.

"*THE BEASTS OF THE FIELD have ſha-*
"*dow under it.*" *Tyranny brings* ignorance *and* brutality *along with it. It degrades men from their juſt rank, into the claſs of brutes. It damps their ſpirits. It ſuppreſſes arts. It extinguiſhes every ſpark of noble ardor and generoſity in the breaſts of thoſe who are enſlaved by it. It makes naturally ſtrong and great minds, feeble and little; and triumphs over the ruins of virtue and humanity. This is true of tyranny in every ſhape. There can be nothing great and good, where its influence reaches. For which reaſon it becomes every friend to truth and human kind; every lover of God and the chriſtian religion, to bear a part in oppoſing this hateful monſter. It was a deſire to contribute a mite towards carrying on a war againſt this common enemy, that produced the following diſcourſe. And if it ſerve, in any meaſure, to keep up a ſpirit of civil and religous liberty amongſt us, my end is anſwered.——There are virtuous and candid men in all ſects; all ſuch are to be eſteemed: There are alſo vicious men and bigots in all ſects; and all ſuch* ought to be deſpiſed.

"To virtue only, and her friends, a friend;
"The world beſide may murmur or commend.
"Know, all the diſtant din *that* world can keep
"Rolls o'er my grotto, and but ſooths my ſleep."

POPE.

JONATHAN MAYHEW.

ROM. XIII. 1—8.

1. *Let every ſoul be ſubject unto the higher powers. For there is no power but of God: the powers that be, are ordained of God.*

2. *Whoſoever therefore reſiſteth the power, reſiſteth the ordinance of God: and they that reſiſt, ſhall receive to themſelves damnation.*

3. *For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou ſhalt have praiſe of the ſame:*

4. *For he is the miniſter of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the ſword in vain: for he is the miniſter of God, a revenger, to execute wrath on him that doth evil.*

5. *Wherefore ye muſt needs be ſubject, not only for wrath, but alſo for conſcience ſake.*

6. *For, for this cauſe pay you tribute alſo: for they are God's miniſters, attending continually upon this very thing.*

7. *Render therefore to all their dues: tribute to whom tribute is due; cuſtom, to whom cuſtom; fear, to whom fear; honour, to whom honour.*

IT is evident that the affair of civil government may properly fall under a *moral* and *religious* conſideration, at leaſt ſo far forth as it relates to the general nature and end of magiſtracy, and to the grounds and extent of

that ſubmiſſion, which perſons of a private character ought to yield to thoſe who are veſted with authority. This muſt be allowed by all who acknowledge the divine original of chriſtianity. For although there be a ſenſe, and a very plain and important ſenſe, in which Chriſt's *kingdom is not of this world* * ; his inſpired apoſtles have, nevertheleſs, laid down ſome general principles concerning the office of civil rulers, and the duty of ſubjects, together with the reaſon and obligation of that duty. And from hence it follows, that it is proper for all who acknowledge the authority of Jeſus Chriſt, and the inſpiration of his apoſtles, to endeavour to underſtand what is in fact the doctrine which they have delivered concerning this matter. It is the duty of *chriſtian* magiſtrates to inform themſelves what it is which their religion teaches concerning the nature and deſign of their office. And it is equally the duty of all *chriſtian* people to inform themſelves what it is which their religion teaches concerning that ſubjection which they owe to the *higher powers*. It is for theſe reaſons that I have attempted to examine into the ſcripture-account of this matter, in order to lay it before you with the ſame *freedom* which I conſtantly uſe with relation to other doctrines and precepts of chriſtianity; not doubting but you

* John xviii 36.

will

will *judge* upon every thing offered to your conſideration, with the ſame ſpirit of *freedom* and *liberty* with which it is *ſpoken.*

The paſſage read, is the moſt full and expreſs of any in the new-teſtament, relating to rulers and ſubjects: and therefore I thought it proper to ground upon it, what I had to propoſe to you with reference to the authority of the civil magiſtrate, and the ſubjection which is due to him. But before I enter upon an explanation of the ſeveral parts of this paſſage, it will be proper to obſerve one thing, which may ſerve as a key to the whole of it.

It is to be obſerved, then, that there were ſome perſons amongſt the *chriſtians* of the apoſtolic age, and particularly thoſe at *Rome*, to whom St. *Paul* is here writing, who ſeditiouſly diſclaimed *all* ſubjection to civil authority; refuſing to pay taxes, and the duties laid upon their traffick and merchandize; and who ſcrupled not to ſpeak of their rulers, without any due regard to their office and character. Some of theſe turbulent *chriſtians* were converts from *judaiſm*, and others from *pagan ſin.* The *Jews* in general had, long before this time, taken up a ſtrange conceit, that being the *peculiar* and *elect* people of God, they were therefore exempted from the juriſdiction of any

heathen princes or governors. Upon this ground it was, that ſome of them, during the public miniſtry of our bleſſed ſaviour, came to him with that queſtion—*Is it lawful to give tribute unto* Cæſar *or not* *? And this notion many of them retained after they were proſelyted to the *chriſtian* faith. As to the *gentile* converts, ſome of them groſly miſtook the nature of that *liberty* which the goſpel promiſed; and thought that by virtue of their ſubjection to Chriſt, the *only* king and head of his church, they were wholly freed from ſubjection to any other prince; as though Chriſt's *kingdom had been of this world*, in ſuch a ſenſe as to interfere with the civil powers of the earth, and to deliver their ſubjects from that allegiance and duty, which they before owed to them. Of theſe viſionary *Chriſtians* in general, who diſowned ſubjection to the civil powers in being where they reſpectively lived, there is mention made in ſeveral places in the new-teſtament: The Apoſtle *Peter* in particular, characterizes them in this manner—*them that—deſpiſe government—preſumptuous are they, ſelf-willed, they are not afraid to ſpeak evil of dignities* †. Now it is with reference to theſe doting *Chriſtians*, that the apoſtle ſpeaks in the paſſage before us. And I ſhall now give you the ſenſe of it in a

* Matt. xxii. 17. † 2 Pet. ii. 10.

para-

paraphraſe upon each verſe in its order, deſiring you to keep in mind the character of the perſons for whom it is deſigned, that ſo, as I go along, you may ſee how juſt and natural this addreſs is; and how well ſuited to the circumſtances of thoſe againſt whom it is levelled.

The apoſtle begins thus—*Let every ſoul* * *be ſubject unto the higher powers*; † *for there is no power* ‖ *but of God: the powers that be* ‡ *are*

* *Every ſoul.* This is an *hebraiſm*, which ſignifies *every man*; ſo that the apoſtle does not exempt the *clergy*: ſuch as were endowed with the gift of prophecy, or any other miraculous powers which ſubſiſted in the church at that day. And by his uſing the *hebrew* idiom, it ſeems that he had the *jewiſh* converts principally in his eye.

† *The higher powers*: more literally, the *overruling-powers*: which term extends to all civil rulers in common.

‖ By *power*, the apoſtle intends not lawleſs *ſtrength* and brutal *force*, without regulation or proper direction; but juſt *authority*, for ſo the word here uſed properly ſignifies. There may be *power* where there is no *authority*. No man has any *authority* to do what is wrong and injurious, though he may have *power* to do it.

‡ *The powers that be*: thoſe perſons who are in fact veſted with authority; thoſe who are in poſſeſſion. And who thoſe are, the apoſtle leaves Chriſtians to determine for themſelves; but who ever they are, they are to be obeyed.

*ordained of God**, ver. 1. q. d. "Whereas "ſome profeſſed *Chriſtians* vainly imagine, that "they are wholly excuſed from all manner of "duty and ſubjection to civil authority, re- "fuſing to honour their rulers, and to pay "taxes; which opinion is not only unrea- "ſonable in itſelf, but alſo tends to fix a laſt- "ing reproach upon the *chriſtian* name and "profeſſion, I now, as an apoſtle and ambaſ- "ſador of Chriſt, exhort every one of you, be "he who he will, to pay all dutiful ſubmiſſion "to thoſe who are veſted with any civil office. "For there is, properly ſpeaking, no autho- "rity but what is derived from God, as it is "only by his permiſſion and providence that "any poſſeſs it. Yea, I may add, that all "civil magiſtrates, as ſuch, although they "may be *heathens*, are appointed and ordained "of God. For it is certainly God's will, that

* *Ordained of God:* as it is not without God's providence and permiſſion, that any are clothed with authority; and as it is agreeable to the poſitive will and purpoſe of God, that there ſhould be *ſome perſons* veſted with authority for the good of ſociety: not that any rulers have their commiſſion immediately from God the ſupreme Lord of the univerſe. If any aſſert that kings, or any other rulers, are ordained of God in the latter ſenſe, it is incumbent upon them to ſhew the commiſſion which they ſpeak of, under the broad ſeal of heaven. And when they do this, they will, no doubt, be believed.

ſo

" ſo uſeful an inſtitution as that of magiſtracy,
" ſhould take place in the world, for the
" good of civil ſociety." The apoſtle proceeds—*Whoever, therefore reſiſteth the power, reſiſteth the ordinance of God; and they that reſiſt ſhall receive to themſelves damnation.* ver. 2. q. d. " Think not, therefore, that ye are guilt-
" leſs of any crime or ſin againſt God, when
" ye factiouſly diſobey and reſiſt the civil au-
" thority. For magiſtracy and government
" being, as I have ſaid, the ordinance and ap-
" pointment of God, it follows, that to reſiſt,
" magiſtrates in the execution of their offices,
" is really to reſiſt the will and ordinance of
" God himſelf: and they who thus reſiſt,
" will accordingly be puniſhed by God for
" this ſin in common with others." The apoſtle goes on—*For rulers are not a terror to good works, but to the evil*. Wilt thou then,*

* *For rulers are not a terror to good works, but to the evil.* It cannot be ſuppoſed that the apoſtle deſigns here, or in any of the ſucceeding verſes, to give the true character of *Nero*, or any other civil powers then in being, as if they were in fact ſuch perſons as he deſcribes, a terror to evil works only, and not to the good. For ſuch a character did not belong to them; and the apoſtle was no ſycophant or paraſite of power, whatever ſome of his pretended ſucceſſors have been. He only tells what rulers would be, provided they acted up to to their character and office.

not be afraid of the power? Do that which is good, and thou ſhalt have praiſe of the ſame. For he is the miniſter of God to thee for good, ver. 3d, and part of the 4th. q. d. "That you may "ſee the truth and juſtneſs of what I aſſert, "(*viz.* that magiſtracy is the ordinance of "God, and that you ſin againſt him, in oppo-"ſing it,) conſider that even *pagan* rulers, are "not, by the nature and deſign of their office, "enemies and a terror to the good and vir-"tuous actions of men, but only to the in-"jurious and miſchievous to ſociety. Will ye "not, then, reverence and honour magiſtracy, "when you ſee the good end and intention of "it? How can ye be ſo unreaſonable? Only "mind to do your duty as members of ſociety; "and this will gain you the applauſe and fa-"vour of all good rulers. For while you do "thus, they are, by their office, as miniſters of "God, obliged to encourage and protect you; "it is for this very purpoſe that they are "clothed with power." The apoſtle ſub-joins —— *But if thou do that which is evil, be afraid, for he beareth not the ſword in vain. For he is the miniſter of God, a revenger, to execute wrath upon him that doth evil**, ver. 4. latter

* It is manifeſt that when the apoſtle ſpeaks of it, as the office of civil rulers, to encourage what is *good*, and to puniſh what is *evil*, he ſpeaks only of *civil*

latter part. q. d. "But upon the other "hand, if ye refuſe to do your duty as "members of ſociety; if ye refuſe to bear "your part in the ſupport of government; "if ye are diſorderly, and do things which "merit civil chaſtiſement, then, indeed, ye "have reaſon to be afraid. For it is not in "vain that rulers are veſted with the power "of inflicting puniſhment. They are by their "office, not only the miniſters of God for

civil good and *evil.* They are to conſult the good of ſociety *as ſuch*; not to dictate in religious concerns; not to make laws for the government of men's conſciences; and to inflict civil penalties for religious crimes. It is ſufficient to overthrow the doctrine of the authority of the civil magiſtrate, in affairs of a ſpiritual nature, (ſo far as it is built upon any thing which is here ſaid by St. *Paul*, or upon any thing elſe in the new-teſtament) only to obſerve, that all the magiſtrates then in the world were *heathen*, implacable enemies to chriſtianity: ſo that to give them authority in religious matters, would have been, in effect, to give them authority to extirpate the chriſtian religion, and to eſtabliſh the idolatries and ſuperſtitions of paganiſm. And can any one reaſonably ſuppoſe, than the apoſtle had any intention to extend the authority of rulers, beyond concerns merely civil and political, to the overthrowing of that religion which he himſelf was ſo zealous in propagating! But it is natural for thoſe, whoſe religion cannot be ſupported upon the footing of reaſon and argument, to have recourſe to power and force, which will ſerve a bad cauſe as well as a good one; and indeed much better.

" good to thoſe that do well; but alſo his " miniſters to revenge, to diſcountenance and " puniſh thoſe that are unruly, and injurious " to their neighbours." The apoſtle proceeds — *Wherefore ye muſt needs be ſubject not only for wrath, but alſo for conſcience ſake*, ver. 5. q. d. " Since therefore, magiſtracy " is the ordinance of God; and ſince rulers " are, by their office, benefactors to ſociety, " by diſcouraging what is bad, and encou- " raging what is good, and ſo preſerving " peace and order amongſt men; it is evi- " dent that ye ought to pay a willing ſub- " jection to them; not to obey merely for " fear of expoſing yourſelves to their wrath " and diſpleaſure, but alſo in point of rea- " ſon, duty and conſcience: Ye are under " an indiſpenſible obligation, as *Chriſtians*, to " honour their office, and to ſubmit to them " in the execution of it." The apoſtle goes " on — *For, for this cauſe pay you tribute alſo: for they are God's miniſters, attending continually upon this very thing*, ver. 6. q. d. " And " here is a plain reaſon alſo why ye ſhould " pay tribute to them; for they are God's " miniſters, exalted above the common level " of mankind, not that they may indulge " themſelves in ſoftneſs and luxury, and be " entitled to the ſervile homage of their fel- " low-men; but that they may execute an

" office

" office no leſs laborious than honourable;
" and attend continually upon the public
" welfare. This being their buſineſs and
" duty, it is but reaſonable, that they ſhould
" be requited for their care and diligence in
" performing it; and enabled, by taxes le-
" vied upon the ſubject, effectually to pro-
" ſecute the great end of their inſtitution,
" the good of ſociety." The apoſtle ſums up all in the following words — *Render therefore to all their dues: tribute* * *to whom tribute is due; cuſtom* *, *to whom cuſtom; fear, to whom fear; honour, to whom honour*, ver. 7. q. d. " Let it not, therefore, be ſaid of
" any one of you hereafter, that you contemn
" government to the reproach of yourſelves,
" and of the *Chriſtian* religion. Neither your
" being *Jews* by nation, nor your becom-
" ing the ſubjects of Chriſt's kingdom, gives
" you any diſpenſation for making diſturbances
" in the government under which you live.
" Approve yourſelves, therefore, as peaceable

* *Grotius* obſerves, that the *Greek* words, here uſed, anſwer to the *tributum* and *vectigal* of the *Romans*; the former was the money paid for the ſoil and poll; the latter, the duties laid upon ſome ſorts of merchandize. And what the apoſtle here ſays, deſerves to be ſeriouſly conſidered by all Chriſtians concerned in that common practice of carrying on an *illicit trade*, and *running of goods*.

" and dutiful ſubjects. Be ready to pay to " your rulers all that they may, in reſpect " of their office, juſtly demand of you. Ren- " der tribute and cuſtom to thoſe of your " governors to whom tribute and cuſtom be- " long: and chearfully honour and reverence " all who are veſted with civil authority, ac- " cording to their deſerts."

The apoſtle's doctrine, in the paſſage thus explained, concerning the office of civil rulers, and the duty of ſubjects, may be ſumed up in the following obſervations; * *viz.*

That the end of magiſtracy is the good of civil ſociety, *as ſuch*:

That civil rulers, *as ſuch*, are the ordinance and miniſters of God; it being by his permiſſion and providence that any bear rule; and agreeable to his will, that there ſhould be *ſome perſons* veſted with authority in ſociety, for the well-being of it:

That which is here ſaid concerning civil rulers, extends to all of them in common: it relates indifferently to monarchical republican

* The ſeveral obſervations here only mentioned, were handled at large in two preceding diſcourſes upon this ſubject.

lican and ariſtocratical government; and to all other forms which truly anſwer the ſole end of government, the happineſs of ſociety; and to all the different degrees of authority in any particular ſtate; to inferior officers no leſs than the ſupreme.

That diſobedience to civil rulers in the due exerciſe of their authority, is not merely a *political ſin*, but an heinous *offence againſt God* and *religion*:

That the true ground and reaſon † of our obligation to be ſubject to the *higher powers*, is

† Some ſuppoſe the apoſtle in this paſſage, inforces the duty of ſubmiſſion, with *two* arguments quite diſtinct from each other; one taken from this conſideration, that rulers are the ordinance, and miniſters of God, (ver. 1, 2, and 4.) and the other, from the benefits that accrue to ſociety, from civil government, (ver. 3, 4, and 6.) And indeed theſe may be diſtinct motives and arguments for ſubmiſſion, as they may be ſeparately viewed and contemplated. But when we conſider that rulers are not the ordinance and the miniſters of God, but only ſo far forth as they perform God's will, by acting up to their office and character, and ſo by being benefactors to ſociety, this makes theſe arguments coincide, and run up into *one* at laſt: at leaſt ſo far, that the former of them cannot hold good for ſubmiſſion, where the

is the uſefulneſs of magiſtracy (when properly exerciſed) to human ſociety, and its ſubſerviency to the general welfare:

That obedience to civil rulers is here equally required under all forms of government, which anſwer to the ſole end of all government, the good of ſociety; and to every degree of authority in any ſtate, whether ſupreme or ſubordinate:

(From whence it follows,

That if unlimited obedience and non-reſiſtance, be here required as a duty under any one form of government, it is alſo required

the latter fails. Put the ſuppoſition, that any man bearing the title of a magiſtrate, ſhould exerciſe his power in ſuch a manner as to have no claim to obedience by virtue of that argument which is founded upon the uſefulneſs of magiſtracy; and you equally take off the force of the other argument alſo, which is founded upon his being the ordinance and the miniſter of God. For he is no longer God's ordinance and miniſter, than he acts up to his office and character, by exerciſing his power for the good of ſociety——This is, in brief, the reaſon why it is ſaid above, in the *ſingular* number, *that the true ground and reaſon*, &c. The uſe and propriety of this remark may poſſibly be more apparent in the proceſs of the argument concerning reſiſtance.

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as a duty under all other forms; and as a duty to ſubordinate rulers as well as to the ſupreme.)

And laſtly, that thoſe civil rulers to whom the apoſtle injoins ſubjection, are the perſons *in poſſeſſion*; *the powers that be*; thoſe who are *actually* veſted with authority *.

There is one very important and intereſting point which remains to be enquired into; namely, the *extent* of that ſubjection *to the higher*

* This muſt be underſtood with this *proviſo*, that they do not groſly *abuſe* their power and truſt, but exerciſe it for the good of thoſe that are governed. Who theſe perſons were, whether *Nero*, &c. or not, the apoſtle does not ſay; but leaves it to be determined by thoſe to whom he writes. God does not interpoſe, in a miraculous way, to point out the perſons who ſhall bear rule, and to whom ſubjection is due. And as to the unalienable, indefeaſible right of *primogeniture*, the ſcriptures are entirely ſilent: or rather plainly contradict it: *Saul* being the firſt king among the *Iſraelites*; and appointed to the royal dignity, during his own father's life-time: and he was ſucceeded, or rather ſuperſeded, by *David the* laſt *born among many brethren*——Now if *God* has not invariably determined this matter, it muſt, of courſe, be determined by *men*. And if it be determined by *men* it muſt be determined either in the way of *force* or of *compact*. And which of theſe is the moſt *equitable*, can be no queſtion.

higher powers, which is here enjoined as a duty upon all chriſtians. Some have thought it warrantable and and glorious, to diſobey the civil powers in certain circumſtances; and, in caſes of very great and general oppreſſion, while humble remonſtrances fail of having any effect; and when the public welfare cannot be otherwiſe provided for and ſecured, to riſe unanimouſly even againſt the ſovereign himſelf, in order to redreſs their grievances; to vindicate their natural and legal rights: to break the yoke of tyranny, and free themſelves and poſterity from inglorious ſervitude and ruin. It is upon this principle that many royal oppreſſors have been driven from their thrones into baniſhment; and many ſlain by the hands of their ſubjects. It was upon this principle that *Tarquin* was expelled from *Rome*; and *Julius Cæſar*, the conqueror of the world, and the tyrant of his country, cut off in the ſenate-houſe. It was upon this principle, that king *Charles* I. was beheaded before his own banqueting-houſe. It was upon this principle, that king *James* II. was made to fly that country, which he aimed at enſlaving: And upon this principle was that *revolution* brought about, which has been ſo fruitful of happy conſequences to *Great Britain*. But in oppoſition to this principle, it has often been aſſerted, that the ſcripture in general (and the

paſſage

paſſage under conſideration in particular) makes all reſiſtance to princes a crime, in any caſe whatever ——— If they turn tyrants, and become the common oppreſſors of thoſe, whoſe welfare they ought to regard with a paternal affection, we muſt not pretend to right ourſelves, unleſs it be by prayers and tears and humble entreaties: and if theſe methods fail of procuring redreſs, we muſt not have recourſe to any other, but all ſuffer ourſelves to be robbed and butchered at the pleaſure of the *Lord's anointed*; leſt we ſhould incur the ſin of rebellion, and the puniſhment of damnation. For he has God's authority and commiſſion to bear him out in the worſt of crimes, ſo far that he may not be withſtood or controuled. Now whether we are obliged to yield ſuch an abſolute ſubmiſſion to our prince; or whether diſobedience and reſiſtance may not be juſtifiable in ſome caſes, notwithſtanding any thing in the paſſage before us, is an enquiry in which we are all concerned; and this is the inquiry which is the main deſign of the preſent diſcourſe.

Now there does not ſeem to be any neceſſity of ſuppoſing, that an abſolute unlimited obedience, whether active or paſſive, is here injoined, merely for this reaſon, that the precept is delivered in *abſolute terms*, without any

any *exception* or *limitation* expreſly mentioned. We are enjoined, (ver. 1.) to be *ſubject to the higher powers:* and (ver. 5.) to be *ſubject for conſcience ſake.* And becauſe theſe expreſſions are abſolute and unlimited, (or more properly, general) ſome have inferred, that the ſubjection required in them, muſt be abſolute and unlimited alſo: at leaſt ſo far forth as to make paſſive obedience and non-reſiſtance, a duty in all caſes whatever, if not active obedience likewiſe. Though, by the way, there is here no diſtinction made between active and paſſive obedience; and if either of them be required in an unlimited ſenſe, the other muſt be required in the ſame ſenſe alſo, by virtue of the preſent argument; becauſe the expreſſions are equally abſolute with reſpect to both. But that unlimited obedience of any ſort, cannot be argued merely from the indefinite expreſſions in which obedience is enjoined, appears from hence, that expreſſions of the ſame nature, frequently occur in ſcripture, upon which it is confeſſed on all hands, that no ſuch abſolute and unlimited ſenſe ought to be put. For example, *Love not the world; neither the things that are in the world**; *Lay not up for yourſelves treaſures upon earth* †; *Take therefore no thought for the morrow* ‡; are precepts expreſſed in at leaſt equally ab-

* 1 John ii. 15. † Matt. vi. 19. ‡ Matt. vi. 34.

ſolute

ſolute and unlimited terms: but it is generally allowed, that they are to be underſtood with certain reſtrictions and limitations; ſome degree of love to the world, and the things of it, being allowable. Nor, indeed, do the *Right Reverend Fathers in God*, and other *dignified clergymen* of the eſtabliſhed church, ſeem to be altogether averſe to admitting of reſtrictions in the latter caſe, how warm ſoever any of them may be againſt reſtrictions, and limitations, in caſe of ſubmiſſion to authority, whether civil or eccleſiaſtical. It is worth remarking alſo, that patience and ſubmiſſion under private injuries, are enjoined in much more peremptory and abſolute terms, than any that are uſed with regard to ſubmiſſion to the injuſtice and oppreſſion of civil rulers. Thus, *I ſay unto you, that ye reſiſt not evil; but whoſoever ſhall ſmite thee on the right cheek, turn to him the other alſo. And if any man will ſue thee at the law, and take away thy coat, let him have thy cloke. And whoſoever ſhall compel thee to go a mile with him, go with him twain**. Any man may be defied to produce ſuch ſtrong expreſſions in favour of a paſſive and tame ſubmiſſion to unjuſt, tyrannical rulers, as are here uſed to inforce ſubmiſſion to private injuries. But how few are there that underſtand thoſe expreſſions literally? And the reaſon why they

* Matt. v. 39, 40, 41.

do

do not, is becauſe (with ſubmiſſion to the *Quakers*) common ſenſe ſhews that they were not intended to be ſo underſtood.

But to inſtance in ſome ſcripture-precepts, which are more directly to the point in hand. ——— Children are commanded to obey their parents, and ſervants their maſters, in as abſolute and unlimited terms as ſubjects are here commanded to obey their civil rulers. Thus this ſame apoſtle ——— *Children obey your parents in the Lord; for this is right. Honour thy father and mother,———which is the firſt commandment with promiſe.* ——— *Servants, be obedient to them that are your maſters according to the fleſh, with fear and trembling, with ſingleneſs of your heart as unto Chriſt**. Thus alſo wives are commanded to be obedient to their huſbands ——— *Wives, ſubmit yourſelves unto your huſbands as unto the Lord. For the huſband is the head of the wife, even as* CHRIST IS THE HEAD OF THE CHURCH ——— *Therefore as the church is ſubject unto Chriſt, ſo let the wives be to their own huſbands* IN EVERY THING†. In all theſe caſes, ſubmiſſion is required in terms (at leaſt) as abſolute and univerſal, as are ever uſed with reſpect to rulers and ſubjects.

* Eph. vi. 1, &c. † Eph. v. 22. 23, 24.

But who ſuppoſes that the apoſtle ever intended to teach, that children, ſervants and wives, ſhould, in all caſes whatever, obey their parents, maſters and huſbands reſpectively, never making any oppoſition to their will, even although they ſhould require them to break the commandments of God, or ſhould cauſeleſly make an attempt upon their lives? No one puts ſuch a ſenſe upon theſe expreſſions, however abſolute and unlimited. Why then ſhould it be ſuppoſed, that the apoſtle deſigned to teach univerſal obedience, whether active or paſſive, to *the higher powers*, merely becauſe his precepts are delivered in abſolute and unlimited terms? And if this be a good argument in one caſe, why is it not in others alſo? If it be ſaid that reſiſtance and diſobedience to *the higher powers*, is here ſaid poſitively to be a ſin, ſo alſo is the diſobedience of children to parents; ſervants to maſters; and wives to huſbands, in other places of ſcripture. But the queſtion ſtill remains, whether in all theſe caſes there be not ſome exceptions? In the three latter, it is allowed there are. And from hence it follows, that barely the uſe of abſolute expreſſions, is no proof, that obedience to civil rulers, is, in all caſes, a duty; or reſiſtance, in all caſes a ſin. I ſhould not have thought it worth while to take any notice at all of this argument

argument, had it not been much inſiſted upon by ſome of the advocates for paſſive-obedience and non-reſiſtance: for it is, in itſelf, perfectly trifling; and rendered conſiderable only by the ſtreſs that has been laid upon it for want of better.

There is, indeed, one paſſage in the new teſtament, where it may ſeem, at firſt view, that an unlimited ſubmiſſion to civil rulers, is enjoined. ——— *Submit yourſelves to every ordinance of man for the Lord's ſake* *. ——— To *every ordinance of man.* ——— However, this expreſſion is no ſtronger than that before taken notice of, with relation to the duty of wives —— *So let the wives be ſubject to their own huſbands*———IN EVERY THING. But the true ſolution of this difficulty (if it be one) is *this:* by *every ordinance of man* †, is not meant every command of the civil magiſtrate without exception; but *every order of magiſtrates appointed by man*; ——— whether *ſuperior* or *inferior:* for ſo the apoſtle explains himſelf in the very next words ——— *Whether it be to the king as ſupreme, or to governors,*

* 1. Pet. ii. 13.

† Literally *every human inſtitution, or appointment*. By which manner of expreſſion the apoſtle plainly intimates, that rulers derive their authority *immediately*, not from *God*, but from *men*.

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as unto them that are ſent, &c. But although the apoſtle had not ſubjoined any ſuch explanation, the reaſon of the thing itſelf would have obliged us to limit the expreſſion [*every ordinance of man*] to ſuch human ordinances and commands, as are not inconſiſtent with the ordinances and commands of God, the ſupreme lawgiver; or with any other higher, and antecedent, obligations.

It is to be obſerved, in the next place, that as the duty of univerſal obedience and non-reſiſtance to the *higher powers*, cannot be argued from the abſolute unlimited expreſſions which the apoſtle here uſes; ſo neither can it be argued from the ſcope and drift of his reaſoning, conſidered with relation to the perſons he was here oppoſing. As was obſerved above, there were ſome profeſſed *chriſtians* in the apoſtolic age, who diſclaimed all magiſtracy and civil authority in general, *deſpiſing government*, and *ſpeaking evil of dignities*; ſome under a notion that *Jews* ought not to be under the juriſdiction of *Gentile* rulers; and others, that they were ſet *free* from the temporal powers, by Chriſt. Now it is with perſons of this licentious opinion and character, that the apoſtle is concerned. And all that was directly to his point, was to ſhew, that they were bound to ſubmit to magi-

ſtracy *in general.* This is a circumſtance very material to be taken notice of, in order to aſcertain the ſenſe of the apoſtle. For this being conſidered, it is ſufficient to account for all that he ſays concerning the duty of ſubjection, and the ſin of reſiſtance to the *higher powers*, without having recourſe to the doctrine of unlimited ſubmiſſion and paſſive obedience, in all caſes whatever. Were it known that thoſe in oppoſition to whom, the apoſtle wrote, allowed of civil authority in general, and only aſſerted that there were *ſome caſes* in which obedience, and non-reſiſtance, were not a duty; there would, then, indeed, be reaſon for interpreting this paſſage as containing the doctrine of unlimited obedience, and non-reſiſtance, as it muſt, in this caſe, be ſuppoſed to have been levelled againſt ſuch as denied that doctrine. But ſince it is certain that there were perſons who vainly imagined, that civil government in general, was not to be regarded by them, it is moſt reaſonable to ſuppoſe, that the apoſtle deſigned his diſcourſe only againſt *them.* And agreeably to this ſuppoſition, we find that he argues the uſefulneſs of civil magiſtracy in geeral; its agreeableneſs to the will and purpoſe of God, who is *over all*; and ſo deduces from hence, the obligation of ſubmiſſion to it. But it will not follow, that becauſe civil

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government is in general a good inſtitution, and neceſſary to the peace and happineſs of human ſociety, therefore there are no ſuppoſable caſes in which reſiſtance to it can be innocent. So that the duty of unlimited obedience, whether active or paſſive, can be argued, neither from the manner of expreſſion here uſed, nor from the general ſcope and deſign of the paſſage.

And if we attend to the nature of the argument with which the apoſtle here inforces the duty of ſubmiſſion to the *higher powers*, we ſhall find it to be ſuch an one as concludes not in favour of ſubmiſſion to all who bear the *title* of rulers, in common; but only, to thoſe who *actually* perform the duty of rulers, by exerciſing a reaſonable and juſt authority, for the good of human ſociety. This is a point which it will be proper to enlarge upon; becauſe the queſtion before us turns much upon the truth or falſhood of this poſition. It is obvious, then in general, that the civil rulers, whom the apoſtle here ſpeaks of, and obedience to whom he preſſes upon Chriſtians as a duty, are *good rulers* *, ſuch as

* By *good rulers*, are not intended ſuch as are good in a *moral* or *religious*, but only a *political* ſenſe;

as are in the exerciſe of their office and power benefactors to ſociety. Such they are deſcribed to be, throughout this paſſage. Thus it is ſaid, that they are not *a terror to good works but to the evil*; that they are *God's miniſters for good*; *avengers to execute wrath upon him that doth evil*; and that *they attend continually upon this very thing*. St. *Peter* gives the ſame account of rulers: they are *for a praiſe to them that do well, and the puniſhment of evil doers*. It is manifeſt that this character and deſcriptioh of rulers, agrees only to ſuch as are rulers in fact, as well as in name: to ſuch as govern well, and act agreeably to their office. And the apoſtle's argument for ſubmiſſion to rulers, is wholly built and grounded upon a preſumption that they do in fact anſwer this character; and is of no force at all upon ſuppoſition of the contrary. If *rulers are a terror to good works, and not to the evil*; if they are not *miniſters for good to ſociety*, but for evil, and diſtreſs by violence and oppreſſion; if they *execute wrath upon* ſober, peaceable perſons, who do their duty as members of ſociety; and ſuffer rich and honourable knaves to eſcape with

ſenſe; thoſe who perform their duty ſo far as their office extends; and ſo far as civil ſociety, as ſuch, is concerned in their actions.

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impunity; if, inſtead of *attending continually upon* the good work of advancing the public welfare, they *attend* only upon the gratification of their own luſt and pride and ambition, to the deſtruction of the public welfare; if this be the caſe, it is plain that the apoſtle's argument for ſubmiſſion does not reach them; they are not the ſame, but different perſons from thoſe whom he characterizes; and who muſt be obeyed according to his reaſoning. —— Let me illuſtrate the apoſtle's argument, by the following *ſimilitude:* (it is no matter how far it is from any thing which has, in fact, happened in the world.) Suppoſe, then, it was allowed, in general, that the *clergy* were an uſeful order of men; that they ought to be *eſteemed very highly in love for their works ſake* *; and to be decently ſupported by thoſe whom they ſerve, *the labourer being worthy of his reward* †. Suppoſe farther, that a number of *Reverend* and *Right Reverend Drones*, who *worked not*; who preached, perhaps, but *once a year*, and *then*, not the *goſpel* of Jeſus Chriſt, but the *divine right of tythes*; —— *the dignity of their office as ambaſſadors of Chriſt*, the equity of *fine-cures*, and a *plurality of benefices*; ——

* 1 Theſ v. 13. † 1 Tim. v. 18.

the excellency of the *devotions* in *that prayer-book*, which ſome of them hired *chaplains to uſe for them*; ———or ſome favourite point of *church-tyranny*, and *antichriſtian* uſurpation; ſuppoſe ſuch men as theſe, ſpending their lives in effeminacy, luxury and idleneſs; (or when they were not idle, doing that which is worſe than idleneſs; ſuppoſe ſuch men) ſhould, merely by the merit of *ordination* and *conſecration*, and a *peculiar*, *odd habit*, claim great reſpect and reverence from thoſe whom they civilly called *the beaſts of the laity* *; and demand thouſands *per annum*, for that good ſervice which they —— *never performed*; and for which, if they had performed it, this would be much more than a *quantum meruit*: ſuppoſe this ſhould be the caſe, (it is only by way of *ſimile*, and ſurely it will give no offence) would not every body be aſtoniſhed at ſuch inſolence, injuſtice and impiety? And ought not ſuch men to be told plainly, that they could not reaſonably expect the eſteem and reward due to the miniſters of the goſpel, unleſs they did the duties of their office? Should they not be told, that their *title* and *habit* claimed no regard, reverence or pay, ſeparate from the *care* and *work*, and various *duties* of their *function*? And that while they neglected the *latter*, the *former* ſerved only

* Mr. *Leſlie*.

to

to render them the more ridiculous and contemptible?——The application of this *ſimilitude* to the caſe in hand, is very eaſy.——— If thoſe who bear the title of civil rulers, do not perform the duty of civil rulers, but act directly counter to the ſole end and deſign of their office; if they injure and oppreſs their ſubjects, inſtead of defending their rights and doing them good; they have not the leaſt pretence to be honoured, obeyed and rewarded, according to the apoſtle's argument. For his reaſoning, in order to ſhew the duty of ſubjection to the *higher powers*, is, as was before obſerved, built wholly upon the ſuppoſition, that they do, *in fact*, perform the duty of rulers.

If it be ſaid, that the apoſtle here uſes another argument for ſubmiſſion to the *higher powers*, beſides that which is taken from the uſefulneſs of their office to civil ſociety, when properly diſcharged and executed; namely, that their *power is from God*; that they *are ordained of God*; and that they *are God's miniſters:* and if it be ſaid, that this argument for ſubmiſſion to them will hold good, although they do not exerciſe their power for the benefit, but for the ruin, and deſtruction of human ſociety; this objection was obviated, in

part before. Rulers have no authority from God to do miſchief. They are not *God's ordinance*, or God's *miniſters*, in any other ſenſe than as it is by his permiſſion and providence, that they are exalted to bear rule; and as magiſtracy duly exerciſed, and authority rightly applied, in the enacting and executing good laws,—laws attempered and accommodated to the common welfare of the ſubjects, muſt be ſuppoſed to be agreeable to the will of the beneficent author and ſupreme Lord of the univerſe; whoſe *kingdom ruleth over all* †; and whoſe *tender mercies are over all his works* §. It is blaſphemy to call tyrants and oppreſſors, *God's miniſters*. They are more properly *the meſſengers of ſatan to buffet us* ‖. No rulers are properly *God's miniſters*, but ſuch as are *juſt, ruling in the fear of God* *. When once magiſtrates act contrary to their office, and the end of their inſtitution; when they rob and ruin the public, inſtead of being guardians of its peace and welfare; they immediately ceaſe to be the *ordinance* and *miniſters of God*; and no more deſerve that glorious character than common *pirates* and *highwaymen*. So that whenever that argument for

† Pſal. ciii. 19.
§ Pſal. cxlv. 19. ‖ 2 Cor. xii. 7.
* 2 Sam. xxiii. 3.

ſub-

ſubmiſſion fails, which is grounded upon the uſefulneſs of magiſtracy to civil ſociety, (as it always does when magiſtrates do hurt to ſociety inſtead of good) the other argument, which is taken from their being the ordinance of God, muſt neceſſarily fail alſo; no perſon of a civil character being *God's miniſter*, in the ſenſe of the apoſtle, any farther than he performs God's will, by exerciſing a juſt and reaſonable authority; and ruling for the good of the ſubject.

This in general. Let us now trace the apoſtle's reaſoning in favour of ſubmiſſion to the *higher powers*, a little more particularly and exactly. For by this it will appear, on one hand, how good and concluſive it is, for ſubmiſſion to thoſe rulers who exerciſe their power in a proper manner: and, on the other, how weak and trifling, and inconnected it is, if it be ſuppoſed to be meant by the apoſtle to ſhow the obligation and duty of obedience to tyrannical, oppreſſive rulers in common with others of a different character.

The apoſtle enters upon this ſubject thus ——*Let every ſoul be ſubject unto the higher powers; for there is no power but of God: the powers that be, are ordained of God**.

* Ver. 1.

Here he urges the duty of obedience from this topic of argument, that civil rulers, as they are ſuppoſed to fulfil the pleaſure of God, are the ordinance of God. But how is this an argument for obedience to ſuch rulers as do not perform the pleaſure of God, by doing good; but the pleaſure of the devil, by doing evil; and ſuch as are not, therefore, *God's miniſters*, but the devil's! *Whoſoever, therefore, reſiſteth the power, reſiſteth the ordinance of God: and they that reſiſt, ſhall receive to themſelves damnation* *. Here the apoſtle argues, that thoſe who reſiſt a reaſonable and juſt authority, which is agreeable to the will of God, do really reſiſt the will of God himſelf; and will, therefore, be puniſhed by him. But how does this prove, that thoſe who reſiſt a lawleſs, unreaſonable power, which is contrary to the will of God, do therein reſiſt the will and ordinance of God? Is reſiſting thoſe who reſiſt God's will, the ſame thing with reſiſting God? Or ſhall thoſe who do ſo, *receive to themſelves damnation! For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? Do that which is good; and thou ſhalt have praiſe of the ſame. For he is the miniſter of God to thee for good* †. Here the apoſtle argues more explicitly than he had

* Ver. 2. † Ver. 3d, and part of the 4th.

before

before done, for revering, and ſubmitting to magiſtracy, from this conſideration, that ſuch as really performed the duty of magiſtrates, would be enemies only to the evil actions of men, and would befriend and encourage the good; and ſo be a common bleſſing to ſociety. But how is this an argument, that we muſt honour, and ſubmit to ſuch magiſtrates as are not enemies to the evil actions of men; but to the good; and ſuch as are not a common bleſſing, but a common curſe, to ſociety! *But if thou do that which is evil, be afraid: for he is the miniſter of God, a revenger, to execute wrath upon him that doth evil* *. Here the apoſtle argues from the nature and end of magiſtracy, that ſuch as did evil, (and ſuch only) had reaſon to be afraid of the *higher powers*; it being part of their office to puniſh evil doers, no leſs than to defend and encourage ſuch as do well. But if magiſtrates are unrighteous; if they are *reſpecters of perſons*; if they are partial in their adminiſtration of juſtice; then thoſe who do well have as much reaſon to *be afraid*, as thoſe that do evil: there can be no ſafety for the good, nor any peculiar ground of terror to the unruly and injurious. So that, in this caſe, the main end of civil government will be fruſtrated. And what reaſon is there for ſubmit-

* Ver. 4th, latter part.

ting to that government, which does by no means anſwer the deſign of government? *Wherefore ye muſt needs be ſubject not only for wrath, but alſo for conſcience ſake* *. Here the apoſtle argues the duty of a chearful and conſcientious ſubmiſſion to civil government, from the nature and end of magiſtracy as he had before laid it down, *i. e.* as the deſign of it was to puniſh evil doers, and to ſupport and encourage ſuch as do well; and as it muſt, if ſo exerciſed, be agreeable to the will of God. But how does what he here ſays, prove the duty of a chearful and conſcientious ſubjection to thoſe who forfeit the character of rulers? To thoſe who encourage the bad, and diſcourage the good? The argument here uſed no more proves it to be a ſin to reſiſt ſuch rulers, than it does, to *reſiſt the devil*, that he may *flee from us* †. For one is as truly the *miniſter of God* as the other. *For, for this cauſe pay you tribute alſo; for they are God's miniſters, attending continually upon this very thing* §. Here the apoſtle argues the duty of paying taxes, from this conſideration, that thoſe who perform the duty of rulers, are continually attending upon the public welfare. But how does this argument conclude for paying taxes to ſuch princes, as are continually endeavouring to ruin the pub-

* Ver. 5. † James iv. 7. § Ver. 6.

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lic? And eſpecially when ſuch payment would facilitate and promote this wicked deſign? *Render therefore to all their dues; tribute, to whom tribute is due; cuſtom, to whom cuſtom; fear, to whom fear; honour, to whom honour* *. Here the apoſtle ſums up what he had been ſaying concerning the duty of ſubjects to rulers. And his argument ſtands thus——

"Since magiſtrates, who execute their office "well, are common benefactors to ſociety; "and may, in that reſpect, be properly ſtiled "*the miniſters and ordinance of God*; and "ſince they are conſtantly employed in the "ſervice of the public; it becomes you to "pay them tribute and cuſtom; and to re- "verence, honour, and ſubmit to them in "the execution of their reſpective offices."

This is apparently good reaſoning. But does this argument conclude for the duty of paying tribute, cuſtom, reverence, honour, and obedience, to ſuch perſons as (although they bear the title of rulers) uſe all their power to hurt and injure the public? Such as are not *God's miniſters*, but *ſatan*'s? Such as do not take care of, and attend upon, the public intereſt, but their own, to the ruin of the public? that is, in ſhort, to ſuch as have no natural and juſt claim at all to tribute, cuſtom, reverence, honour and obedience? It is to be hoped that thoſe who have any re-

* Ver. 7.

gard

gard to the apoſtle's character as an inſpired writer, or even as a man of common underſtanding, will not repreſent him as reaſoning in ſuch a looſe incoherent manner; and drawing concluſions, which have not the leaſt relation to his premiſes. For what can be more abſurd than an argument thus framed? "Rulers are, by their office, bound to conſult "the public welfare and the good of ſociety: "therefore you are bound to pay them tri"bute, to honour and to ſubmit to them, "even when they deſtroy the public wel"fare, and are a common peſt to ſociety, by "acting in direct contradiction to the nature "and end of their office."

Thus, upon a careful review of the apoſtle's reaſoning in this paſſage, it appears that his arguments to enforce ſubmiſſion, are of ſuch a nature, as to conclude only in favour of ſubmiſſion *to ſuch rulers as he himſelf deſcribes*; *i. e.* ſuch as rule for the good of ſociety, which is the only end of their inſtitution. Common tyrants, and public oppreſſors, are not intitled to obedience from their ſubjects, by virtue of any thing here laid down by the inſpired apoſtle.

I now add, farther, that the apoſtle's argument is ſo far from proving it to be the duty

duty of the people to obey, and ſubmit to, ſuch rulers as act in contradiction to the public good *, and ſo to the deſign of their office, that it proves *the direct contrary*. For, pleaſe to obſerve, that if the end of all civil government, be the good of ſociety; if this be the thing that is aimed at in conſtituting civil rulers; and if the motive and argument for ſubmiſſion to government, be taken from the apparent uſefulneſs of civil authority; it follows, that when no ſuch good end can be anſwered by ſubmiſſion, there remains no argument or motive to enforce it; and if inſtead of this good end's being brought about by ſubmiſſion, a *contrary end* is brought about, and the ruin and miſery of ſociety effected by it; here is a plain and poſitive reaſon againſt ſubmiſſion in all ſuch caſes, ſhould they ever happen. And therefore, in ſuch caſes, a regard to the public welfare ought to make us with-hold from our rulers, that obedience and ſubjection which it would otherwiſe be our duty to render to them. If it be our duty, for example, to obey our king,

* This does not intend, their acting ſo in a *few particular inſtances*, which the beſt of rulers may do through miſtake, *&c.* but their acting ſo *habitually*; and in a manner which plainly ſhows, that they aim at making themſelves great by the ruin of their ſubjects.

merely

merely for this reaſon, that he rules for the public welfare, (which is the only argument the apoſtle makes uſe of) it follows, by a parity of reaſon, that when he turns tyrant, and makes his ſubjects his prey to devour and to deſtroy, inſtead of his charge to defend and cheriſh, we are bound to throw off our allegiance to him, and to reſiſt; and that according to the tenor of the apoſtle's argument in this paſſage. Not to diſcontinue our allegiance, in this caſe, would be to join with the ſovereign in promoting the ſlavery and miſery of that ſociety, the welfare of which, we ourſelves, as well as our ſovereign, are indiſpenſibly obliged to ſecure and promote, as far as in us lies. It is true, the apoſtle puts no caſe of ſuch a tyrannical prince; but by his grounding his argument for ſubmiſſion wholly upon the good of civil ſociety; it is plain he implicitly authoriſes, and even requires us to make reſiſtance, whenever this ſhall be neceſſary to the public ſafety and happineſs. Let me make uſe of this eaſy and familiar *ſimilitude* to illuſtrate the point in hand——Suppoſe God requires a family of children to obey their father and not to reſiſt him; and inforces his command with this argument; that the ſuperintendence and care and authority of a juſt and kind parent, will contribute to the happineſs of the whole family;

mily; ſo that they ought to obey him for their own ſakes more than for his: ſuppoſe this parent at length runs diſtracted, and attempts in his mad fit, to cut all his children's throats: now, in this caſe, is not the reaſon before aſſigned, why theſe children ſhould obey their parent while he continued of a ſound mind, namely, *their common good*, a reaſon equally concluſive for diſobeying and reſiſting him, ſince he is become delirious, and attempts their ruin? It makes no alteration in the argument, whether this parent, properly ſpeaking, loſes his reaſon; or does while he retains his underſtanding, that which is as fatal in its conſequences, as any thing he could do, were he really deprived of it. This ſimilitude needs no formal application.———

But it ought to be remembered, that if the duty of univerſal obedience and non-reſiſtance to our king or prince, can be argued from this paſſage, the ſame ſubmiſſion under a republican, or any other form of government; and even to all the ſubordinate powers in any particular ſtate, can be proved by it as well: which is more than thoſe who alledge it for the mentioned purpoſe, would be willing ſhould be inferred from it. So that this paſſage does not anſwer their purpoſe; but really overthrows and confutes it. This matter deſerves to be more particularly conſidered.—The advocates

for

for unlimited ſubmiſſion and paſſive obedience, do, if I miſtake not, always ſpeak with reference to kingly or monarchical government, as diſtinguiſhed from all other forms; and, with reference to ſubmitting to the will of the king, in diſtinction from all ſubordinate officers, acting beyond their commiſſion, and the authority which they have received from the crown. It is not pretended that any perſons beſides kings, have a divine right to do what they pleaſe, ſo that no one may reſiſt them, without incurring the guilt of factiouſneſs and rebellion. If any other ſupreme powers oppreſs the people, it is generally allowed, that the people may get redreſs, by reſiſtance, if other methods prove ineffectual. And if any officers in a kingly government, go beyond the limits of that power which they have derived from the crown, (the ſuppoſed original ſource of all power and authority in the ſtate) and attempt illegally, to take away the properties and lives of their fellow-ſubjects, they may be forcibly reſiſted, at leaſt till application can be made to the crown. But as to the ſovereign himſelf, he may not be reſiſted in any caſe; nor any of his officers, while they confine themſelves within the bounds which he has preſcribed to them. This is, I think, a true ſketch of the principles of thoſe who defend the doctrine of paſſive obedience and non-reſiſtance.

Now,

Now there is nothing in ſcripture which ſupports this ſcheme of political principles. As to the paſſage under conſideration, the apoſtle here ſpeaks of civil rulers in *general*; of all perſons in *common*, veſted with authority for the good of ſociety, without any particular reference to one form of government, more than to another; or to the ſupreme power in any particular ſtate, more than to ſubordinate powers. The apoſtle does not concern himſelf with the different forms of government*. This he

* The eſſence of government (I mean *good* government; and this is the *only* government which the apoſtle treats of in this paſſage) conſiſts in the *making* and *executing of good laws*—laws attempered to the common felicity of the *governed*. And if this be, *in fact*, done, it is evidently, in itſelf, a thing of no conſequence at all, what the *particular* form of government is;—whether the legiſlative and executive power be lodged in *one and the ſame* perſon, or in *different* perſons;—whether in *one* perſon, whom we call an *abſolute monarch*; whether in a *few*, ſo as to conſtitute an *ariſtocracy*;—whether in *many*, ſo as to conſtitute a *republic*; or whether in *three co-ordinate branches*, in ſuch manner as to make the government *partake* ſomething of *each* of theſe forms; and to be, at the ſame time, *eſſentially different* from them all. If the *end* be attained, it is enough. But no form of government ſeems to be ſo unlikely to accompliſh this *end* as *abſolute monarchy*—Nor is there any one that has ſo little pretence to a *divine original*, unleſs it be in this ſenſe, that God *firſt*

he ſuppoſes left entirely to human prudence and diſcretion. Now the conſequence of this is, that unlimited and paſſive obedience, is no more enjoined in this paſſage, under monarchical government; or to the ſupreme power in any ſtate, than under all other ſpecies of government, which anſwer the end of government; or, to all the ſubordinate degrees of civil authority, from the higheſt to the loweſt. Thoſe, therefore, who would from this paſſage infer the guilt of reſiſting kings, in all caſes whatever, though acting ever ſo contrary to the deſign of their office, muſt, if they will be conſiſtent, go much farther, and infer from it the guilt of reſiſtance under all other forms of government; and of reſiſting *any petty officer* in the ſtate, though acting beyond his commiſſion, in the moſt arbitrary, illegal manner poſſible. The argument holds equally ſtrong in both caſes. All civil rulers, as ſuch, are the *ordinance* and *miniſters of God*; and they are all, by the nature of their office, and in their reſpective ſpheres and ſtations, bound to conſult

firſt introduced it into, and thereby overturned, the commonwealth of *Iſrael*, as a *curſe* upon that people for their *folly* and *wickedneſs*, particularly in *deſiring* ſuch a government. (See 1 *Sam.* viii chap.) Juſt ſo God, before, ſent *quails* amongſt them, as a *plague*, and a *curſe*, and not as a *bleſſing*. *Numb.* chap. xi.

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the public welfare. With the ſame reaſon therefore, that any deny unlimited and paſſive obedience to be here injoined under a republic or ariſtocracy, or any other eſtabliſhed form of civil government; or to ſubordinate powers, acting in an illegal and oppreſſive manner; (with the ſame reaſon) others may deny, that ſuch obedience is enjoined to a king or monarch, or any civil power whatever. For the apoſtle ſays nothing that is *peculiar to kings*; what he ſays, extends equally to *all* other perſons whatever, veſted with any civil office. They are all, in exactly the ſame ſenſe, the *ordinance of God*; and the *miniſters of God*; and obedience is equally enjoined to be paid to them all. For, as the apoſtle expreſſes it, *there is* NO POWER *but of God:* and we are required to *render to* ALL *their* DUES; and not MORE than their DUES. And what theſe *dues* are, and to *whom* they are to be *rendered*, the apoſtle *ſayeth not*; but leaves to the reaſon and conſciences of men to determine.

Thus it appears, that the common argument, grounded upon this paſſage, in favour of univerſal and paſſive obedience, really overthrows itſelf, by proving too much, if it proves any thing at all; namely, that no civil officer is, in any caſe whatever, to be reſiſted, though acting in expreſs contradiction to the deſign of his

his office; which no man in his ſenſes, ever did or can aſſert.

If we calmly conſider the nature of the thing itſelf, nothing can well be imagined more directly contrary to common ſenſe, than to ſuppoſe that *millions* of people ſhould be ſubjected to the arbitrary, precarious pleaſure of *one ſingle man*; (who has *naturally* no ſuperiority over them in point of authority) ſo that their eſtates, and every thing that is valuable in life, and even their lives alſo, ſhould be abſolutely at his diſpoſal, if he happens to be wanton and capricious enough to demand them. What unprejudiced man can think, that God made ALL to be thus ſubſervient to the lawleſs pleaſure and phrenzy of ONE, ſo that it ſhall always be a ſin to reſiſt him! Nothing but the moſt plain and expreſs revelation from heaven could make a ſober impartial man believe ſuch a monſtrous, unaccountable doctrine, and indeed, the thing itſelf, appears ſo ſhocking—ſo out of all *proportion*, that it may be queſtioned, whether all the *miracles* that ever were wrought, could make it credible, that this doctrine *really* came from God. At preſent, there is not the leaſt ſyllable in ſcripture which gives any countenance to it. The hereditary, indefeaſible, divine right of kings, and the doctrine of non-reſiſtance, which is built upon the

the ſuppoſition of ſuch a right, are altogether as fabulous and chimerical, as tranſubſtantiation; or any of the moſt abſurd reveries of ancient or modern viſionaries. Theſe notions are fetched neither from divine revelation, nor human reaſon; and if they are derived from neither of thoſe ſources, it is not much matter from *whence they come, or whither they go.* Only it is a pity that ſuch doctrines ſhould be propagated in ſociety to raiſe factions and rebellions, as we ſee they have, in fact, been both in the *laſt*, and in the *preſent*, REIGN.

But then, if unlimited ſubmiſſion and paſſive obedience to the *higher powers*, in all poſſible caſes, be not a duty, it will be aſked, "How far are we obliged to ſubmit? If we "may innocently diſobey and reſiſt in ſome "caſes, why not in all? Where ſhall we "ſtop? What is the meaſure of our duty? "This doctrine tends to the total diſſolution "of civil government; and to introduce ſuch "ſcenes of wild anarchy and confuſion, as are "more fatal to ſociety than the worſt of "tyranny."

After this manner, ſome men object; and indeed this is the moſt plauſible thing that can be ſaid in favour of ſuch an abſolute ſubmiſſion as they plead for But the worſt (or rather the beſt

beſt) of it, is, that there is very little ſtrength or ſolidity in it. For ſimilar difficulties may be raiſed with reſpect to almoſt every duty of natural and revealed religion.—To inſtance only in two, both of which are near akin, and indeed exactly parallel, to the caſe before us. It is unqueſtionably the duty of children to ſubmit to their parents; and of ſervants, to their maſters. But no one aſſerts, that it is their duty to obey, and ſubmit to them, in all ſuppoſable caſes; or univerſally a ſin to reſiſt them. Now does this tend to ſubvert the juſt authority of parents and maſters? Or to introduce confuſion and anarchy into private families? No. How then does the ſame principle tend to unhinge the government of that larger family, the body politic? We know, in general, that children and ſervants are obliged to obey their parents, and maſters reſpectively. We know alſo, with equal certainty, that they are not obliged to ſubmit to them in all things, without exception; but may, in ſome caſes, reaſonably, and therefore innocently, reſiſt them. Theſe principles are acknowledged upon all hands, whatever difficulty there may be in fixing the exact limits of ſubmiſſion. Now there is at leaſt as much difficulty in ſtating the meaſure of duty in thoſe two caſes, as in the caſe of rulers and ſubjects. So that this is really no objection, at leaſt no reaſonable one,

againſt reſiſtance to the *higher powers:* Or, if it is one, it will hold equally againſt reſiſtance in the other caſes mentioned.——— It is indeed true, that turbulent, vicious-minded men, may take occaſion from this principle, that their rulers may, in ſome caſes, be lawfully reſiſted, to raiſe factions and diſturbances in the ſtate; and to make reſiſtance where reſiſtance is needleſs, and therefore, ſinful. But is it not equally true, that children and ſervants of turbulent, vicious minds, may take occaſion from this principle, that parents and maſters may, in ſome caſes be lawfully reſiſted, to reſiſt when reſiſtance is unneceſſary, and therefore, criminal? Is the principle in either caſe falſe in itſelf, merely becauſe it way be abuſed; and applied to legitimate diſobedience and reſiſtance in thoſe inſtances, to which it ought not to be applied? According to this way of arguing, there will be no true principles in the world; for there are none but what may be wreſted and perverted to ſerve bad purpoſes, either through the weakneſs or wickedneſs of men*.

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* We may very ſafely aſſert theſe two things in general, without undermining government: One is, That no civil rulers are to be obeyed when they enjoin things that are inconſiſtent with the commands of God: All ſuch diſobedience is lawful and glo-

A PEOPLE really oppreſſed to a great degree by their ſovereign, cannot well be inſenſible

rious; particularly if perſons refuſe to comply with any *legal eſtabliſhment of religion*, becauſe it is a groſs perverſion and corruption (as to doctrine, worſhip and diſcipline) of a pure and divine religion, brought from heaven to earth by the *ſon of God*, (the only king and head of the *chriſtian* church) and propagated through the world by his inſpired apoſtles. All commands running counter to the declared will of the ſupreme legiſlator of heaven and earth, are null and void: and therefore diſobedience to them is a duty, not a crime. Another thing that may be aſſerted with equal truth and ſafety, is, That no government is to be ſubmitted to, at the *expence* of that which is the *ſole end* of all government,—the common good and ſafety of ſociety. Becauſe, to ſubmit in this caſe, if it ſhould ever happen, would evidently be to ſet up the *means* as more valuable, and above, the *end*; than which there cannot be a greater ſoleciſm and contradiction. The only reaſon of the inſtitution of civil government; and the only rational ground of ſubmiſſion to it, is the common ſafety and utility. If therefore, in any caſe, the common ſafety and utility would not be promoted by ſubmiſſion to government, but the contrary, there is no ground or motive for obedience and ſubmiſſion, but for the contrary.

Whoever conſiders the nature of civil government muſt, indeed, be ſenſible that a great degree of *implicit confidence*, muſt unavoidably be placed in thoſe that bear rule: this is implied in the very notion of authority's being originally a *truſt*, committed

ſenſible when they are ſo oppreſſed. And ſuch a people (if I may allude to an ancient *fable*) have

mitted by the people, to thoſe who are veſted with it, as all juſt and righteous authority is; all beſides is mere lawleſs force and uſurpation; neither God nor nature having given any man a right of dominion over any ſociety, independently of that ſociety's approbation, and conſent to be governed by him—now as all men are fallible, it cannot be ſuppoſed that the public affairs of any ſtate, ſhould be always adminiſtered in the beſt manner poſſible, even by perſons of the greateſt wiſdom and integrity. Nor is it ſufficient to legitimate diſobedience to the *higher powers* that they are not ſo adminiſtered; or that they are, in ſome inſtances, very ill managed; for upon this principle, it is ſcarcely ſuppoſable that any government at all could be ſupported, or ſubſiſt. Such a principle manifeſtly tends to the diſſolution of government; and to throw all things into confuſion and anarchy.—But it is equally evident, upon the other hand, that thoſe in authority may abuſe their *truſt* and power *to ſuch a degree*, that neither the law of reaſon, nor of religion, requires, that any obedience or ſubmiſſion ſhould be paid to them; but on the contrary, that they ſhould be totally *diſcarded*; and the authority which they were before veſted with, transferred to others, who may exerciſe it more to thoſe good purpoſes for which it is given.—Nor is this principle, that reſiſtance to the *higher powers*, is in ſome extraordinary caſes, juſtifiable, ſo liable to abuſe, as many perſons ſeem apprehend it. For although there will be always ſome petulant, querulous men, in every ſtate—men of factious, turbulent and carping diſpoſitions,—

have, like the *Heſperian* fruit, a DRAGON for their *protector* and *guardian*: nor would they have glad to lay hold of any trifle to juſtify and legitimate their caballing againſt their rulers, and other ſeditious practices; yet there are, comparatively ſpeaking, but few men of this *contemptible character*. It does not appear but that mankind, in general, have a diſpoſition to be as ſubmiſſive and paſſive and tame under government as they ought to be. —Witneſs a great, if not the greateſt, part of the known world, who are now groaning, but not murmuring, under the heavy yoke of tyranny! While thoſe who govern, do it with any tolerable degree of moderation and juſtice, and in any good meaſure act up to their office and character, by being public benefactors, the people will generally be eaſy and peaceable; and be rather inclined to flatter and adore, than to inſult and reſiſt them. Nor was there ever any *general* complaint againſt any adminiſtration, *which laſted long*, but what there was good reaſon for. Till people find themſelves greatly abuſed and oppreſſed by their governors, they are not apt to complain; and whenever they do, in fact find themſelves thus abuſed and oppreſſed, they muſt be ſtupid not to complain. To ſay that ſubjects in general are not proper judges when their governors oppreſs them, and play the tyrant; and when they defend their rights, adminiſter juſtice impartially, and promote the public welfare, is as great *treaſon* as ever man uttered; —it is treaſon, — not againſt one *ſingle* man, but the ſtate — againſt the whole body politic; —it is treaſon againſt mankind; — it is treaſon againſt common ſenſe; — it is treaſon againſt God. And this impious principle lays the foundation for juſtifying

have any reaſon to mourn, if ſome HERCULES ſhould appear to diſpatch him—For a nation thus abuſed to riſe unanimouſly, and to reſiſt their prince, even to the dethroning him, is not criminal; but a reaſonable way of vindicating their liberties and juſt rights; it is making uſe of the means, and the only means, which God has put into their power, for mutual and ſelf-defence. And it would be highly criminal in them, not to make uſe of this means. It would be ſtupid tameneſs, and unaccountable folly, for whole nations to ſuffer *one* unreaſonable, ambitious and cruel man, to wanton and riot in their miſery. And in ſuch a caſe it would, of the two, be more rational to ſuppoſe, that they that did NOT *reſiſt*, than that they who did, would *receive to themſelves damnation.* And

fying all the tyranny and oppreſſion that ever any prince was guilty of. The people know for what end they ſet up, and maintain, their governors; and they are the proper judges when they execute their *truſt* as they ought to do it;—when their prince exerciſes an equitable and paternal authority over them;—when from a prince and common father, he exalts himſelf into a tyrant—when from ſubjects and children, he degrades them into the claſs of ſlaves;—plunders them, makes them his prey, and unnaturally ſports himſelf with their lives and fortunes.——

THIS naturally brings us to make ſome reflections upon the reſiſtance which was made about a century ſince, to that unhappy prince, KING CHARLES I; and upon the ANNIVERSARY of his death. This is a point which I ſhould not have concerned myſelf about, were it not that *ſome men* continue to ſpeak of it, even to this day, with a great deal of warmth and zeal; and in ſuch a manner as to undermine all the principles of LIBERTY, whether civil or religious, and to introduce the moſt abject ſlavery both in church and ſtate: ſo that it is become a matter of univerſal concern.—What I have to offer upon this ſubject, will be comprized in a ſhort anſwer to the following *queries, viz.*

For what reaſon the reſiſtance to king *Charles* I. was made?

By whom it was made?

Whether this reſiſtance was REBELLION*, or not?

* *N. B.* I ſpeak of rebellion, treaſon, ſaintſhip, martyrdom, &c. throughout this diſcourſe only in the *ſcriptural* and *theological ſenſe*. I know not how the *law* defines them; the ſtudy of *that* not being my employment——

How

How the *anniverſary* of king *Charles*'s death came *at firſt* to be ſolemnized as a day of faſting and humiliation?

And laſtly,

Why thoſe of the epiſcopal clergy, who are very high in the principles of *eccleſiaſtical authority*, continue to ſpeak of this unhappy man, as a great SAINT and a MARTYR?

For what reaſon, then, was the reſiſtance to king *Charles* made? The general anſwer to this inquiry is, that it was on account of the *tyranny* and *oppreſſion* of his reign. Not a great while after his acceſſion to the throne, he married a *French catholic*; and with her ſeemed to have *wedded* the politics, if not the religion of *France*, alſo. For afterwards, during a reign, or rather a tyranny of many years, he governed in a perfectly wild and arbitrary manner, paying no regard to the conſtitution and the laws of the kingdom, by which the power of the crown was limited; or to the ſolemn oath which he had taken at his coronation. It would be endleſs, as well as needleſs, to give a particular account of all the illegal and deſpotic meaſures which he took in his adminiſtration; —— partly from his

own natural luſt of power, and partly from the influence of wicked counſellors and miniſters.——He committed many illuſtrious members of both houſes of parliament to the *Tower*, for oppoſing his arbitrary ſchemes.——He levied many taxes upon the people without conſent of parliament;——and then impriſoned great numbers of the principal merchants and gentry for not paying them.——He erected, or at leaſt revived, ſeveral arbitrary courts, in which the moſt unheard-of barbarities were committed with his knowledge and approbation.—He ſupported that more than fiend, archbiſhop *Laud* and the clergy of his ſtamp, in all their church-tyranny and helliſh cruelties.—He authoriſed a book in favour of *ſports* upon the *Lord's day*; and ſeveral clergymen were perſecuted by him and the mentioned *pious* biſhop, for not reading it to the people after *divine ſervice*.—When the parliament complained to him of the arbitrary proceedings of his corrupt miniſters, he told that *auguſt body*, in a rough, domineering, unprincely manner, that he wondered any one ſhould be ſo fooliſh and inſolent as to think that he would part with the meaneſt of his ſervants *upon their account*—He refuſed to call any parliament at all for the ſpace of twelve years together, during all which time, he governed in an abſolute lawleſs and deſpotic

manner

manner — He took all opportunities to encourage the *Papiſts*, and to promote them to the higheſt offices of honour and truſt—He (probably) abetted the horrid maſſacre in *Ireland*, in which two hundred thouſand proteſtants were butchered by the roman-catholics. — He ſent a large ſum of money, which he had raiſed by his arbitrary taxes, into *Germany*, to raiſe foreign troops, in order to force more arbitrary taxes upon his ſubjects. —He not only by a long ſeries of *actions*, but alſo in *plain terms*, aſſerted an abſolute uncontroulable power; ſaying even in one of his ſpeeches to parliament, that as it was blaſphemy to diſpute what God might do; ſo it was ſedition in ſubjects to diſpute what the king might do.—Towards the end of his tyranny, he came to the houſe of commons with an armed force *, and demanded five of its principal members to be delivered up to him — And this was a prelude to that unnatural war which he ſoon after levied againſt his own dutiful ſubjects; whom he was bound by all the laws of honour, humanity, piety,

* Hiſtorians are not agreed, what number of ſoldiers attended him in this monſtrous invaſion of the privileges of parliament —— ſome ſay three hundred, ſome four hundred: and the author of *The hiſtory of the kings of Scotland*, ſays five hundred.

and I might add, of *intereſt* alſo, to defend and cheriſh with a paternal affection—I have only time to hint at theſe facts in a general way, all which, and many more of the ſame tenor, may be proved by good authorities: ſo that the *figurative* language which St. *John* uſes concerning the juſt and beneficent deeds of our bleſſed Saviour, may be applied to the unrighteous and execrable deeds of this prince, *viz. And there are alſo many other things which* king Charles *did, the which, if they ſhould be written every one, I ſuppoſe that even the world itſelf, could not contain the books that ſhould be written**. Now it was on account of king *Charles*'s thus aſſuming a power above the laws, in direct contradiction to his coronation oath, and governing the greateſt part of his time, in the moſt arbitrary oppreſſive manner; it was upon this account, that the reſiſtance was made to him, which, at length, iſſued in the loſs of his crown, and of *that head* which was unworthy to wear it.

But by whom was this reſiſtance made? Not by a private *junto*;—not by a ſmall ſeditious *party*; not by a *few deſperadoes*, who, to mend their fortunes, would embroil the ſtate;——but by the LORDS and COM-

* John xxi. 25.

MONS of *England.* It was they that almoſt unanimouſly oppoſed the king's meaſures for overturning the conſtitution, and changing that free and happy government into a wretched, abſolute monarchy. It was they that when the king was about levying forces againſt his ſubjects, in order to make himſelf abſolute, commiſſioned officers, and raiſed an army to defend themſelves and the public: and it was they that maintained the war againſt him all along, till he was made a priſoner. This is indiſputable. Though it was not properly ſpeaking the parliament, but the army, which put him to death afterwards. And it ought to be freely acknowledged, that moſt of their proceedings, in order to get this matter effected; and particularly the court by which the king was at laſt tried and condemned, was a little better than a mere mockery of juſtice.—

The next queſtion which naturally ariſes, is, whether this reſiſtance which was made to the king *by the parliament*, was properly *rebellion*, or not? The anſwer to which is plain, that it was not; but a moſt righteous and glorious ſtand, made in defence of the natural and legal rights of the people, againſt the unnatural and illegal encroachments of arbitrary power. Nor was this a raſh and too ſudden oppoſition. The nation had been patient under the op-

preſſions of the crown, even to *long-ſuffering*; ——for a courſe of many years; and there was no rational hope of redreſs in any other way—Reſiſtance was abſolutely neceſſary in order to preſerve the nation from ſlavery, miſery and ruin. And who ſo proper to make this reſiſtance as the lords and commons;—— the whole repreſentative body of the people;—— guardians of the public welfare; and each of which was, in point of legiſlation, veſted with an equal, co-ordinate power, with that of the crown *? Here were *two* branches of the legiſlature

* The *Engliſh* conſtitution is originally and eſſentially *free*. The character, which *Julius Cæſar* and *Tacitus* both give of the ancient *Britains* ſo long ago, is, That they were extremely *jealous of their liberties*, as well as a people of a *martial* ſpirit. Nor have there been wanting frequent inſtances and proofs of the ſame glorious ſpirit (in both reſpects) remaining in their poſterity ever ſince, —— in the ſtruggles they have made for liberty, both againſt foreign and domeſtic tyrants.—— Their kings hold their title to the throne, ſolely by grant of parliament; *i. e.* in other words, by the voluntary conſent of the people. And, agreeably hereto, the prerogative and rights of the crown are ſtated, defined and limited by law; and that as truly and ſtrictly as the rights of any inferior officer in the ſtate; or indeed, of any private ſubject. And it is only in this reſpect that it can be ſaid, that "the king can do no wrong." Being reſtrained by the law, he cannot, while he confines

giſlature againſt *one*; — two, which had law and equity and the conſtitution on their ſide, againſt

confines himſelf within thoſe juſt limits which the law preſcribes to him as the meaſure of his authority, injure and oppreſs the ſubject. —— The king, in his coronation oath, ſwears to exerciſe only ſuch a power as the conſtitution gives him: and the ſubject, in the oath of allegiance, ſwears only to obey him in the exerciſe of ſuch a power. The king is as much bound by his oath, not to infringe the legal rights of the people, as the people are bound to yield ſubjection to him. From whence it follows, that as ſoon as the prince ſets himſelf above law, he loſes the king in the tyrant: he does to all intents and purpoſes, unking himſelf, by acting out of, and beyond, that ſphere which the conſtitution allows him to move in. And in ſuch caſes, he has no more right to be obeyed, than any inferior officer who acts beyond his commiſſion. The ſubjects obligation to allegiance *then* ceaſes of courſe: and to reſiſt him, is no more *rebellion*, than to reſiſt any foreign invader. There is an eſſential difference betwixt *government* and *tyranny*; at leaſt under ſuch a conſtitution as the *Engliſh*. The former conſiſts in ruling according to law and equity; the latter, in ruling contrary to law and equity. So alſo, there is an eſſential difference betwixt reſiſting a tyrant, and rebellion; the former is a juſt and reaſonable ſelf defence; the latter conſiſts in reſiſting a prince whoſe adminiſtration is juſt and legal; and this is what denominates it a crime. ——Now it is evident, that king *Charles*'s government was illegal, and very oppreſſive, through the greateſt part of his reign: and, therefore, to reſiſt him, was no more rebellion, than to oppoſe any foreign invader, or any other domeſtic oppreſſor.

againſt one which was impiouſly attempting to overturn law and equity and the conſtitution; and to exerciſe a wanton licentious *ſovereignty* over the properties, conſciences and lives of all the people:—Such a *ſovereignty* as ſome inconſiderately aſcribe to the ſupreme governor of the world.—I ſay, inconſiderately; becauſe God himſelf does not govern in an abſolutely arbitrary and deſpotic manner. The power of this Almighty King (I ſpeak it not without caution and reverence; the power of this Almighty King) is *limited by law*; not indeed, by *acts of parliament*, but by the eternal *laws* of truth, wiſdom and equity; and the everlaſting *tables* of right reaſon;—tables that cannot be *repealed*, or *thrown down* and *broken* like thoſe of *Moſes*. — But king *Charles* ſat himſelf above all theſe, as much as he did above the written laws of the realm; and made mere humour and caprice, which are no rule at all, the only rule and meaſure of his adminiſtration. And now, is it not perfectly ridiculous to call reſiſtance to ſuch a tyrant, by the name of *rebellion?—the grand rebellion!* Even that—parliament, which brought king *Charles* II. to the throne, and which run *loyally mad*, ſeverely reproved one of their own members for condemning the proceedings of that parliament, which firſt took up arms againſt the former king. And upon the ſame principles

that

that the proceedings of this parliament may be cenſured as wicked and rebellious, the proceedings of thoſe who, ſince, oppoſed king *James* II. and brought the prince of *Orange* to the throne, may be cenſured as wicked and rebellious alſo. The caſes are parallel.—But whatever *ſome* men may *think*, it is to be hoped that, for their own ſakes, they will not dare to *ſpeak* againſt the REVOLUTION, upon the juſtice and legality of which depends (in part) his preſent MAJESTY's right to the throne.

If it be ſaid, that although the parliament which firſt oppoſed king *Charles*'s meaſures, and at length took up arms againſt him, were not guilty of rebellion; yet certainly thoſe perſons were, who condemned, and put him to death; even this perhaps is not true. For he had, in fact, *unkinged* himſelf long before, and had forfeited his title to the allegiance of the people, ſo that thoſe who put him to death, were, at moſt, only guilty of *murder*; which indeed, is bad enough, if they were really guilty of *that*; (which is at leaſt diſputable.) *Cromwell*, and thoſe who were principally concerned in the *(nominal)* king's death, might poſſibly have been very wicked and deſigning men. Nor ſhall I ſay any thing in vindication of the reigning *hypocriſy* of thoſe times; or of *Cromwell*'s male-adminiſtration during the *inter-*

ter-regnum: (for it is *truth*, and not a *party*, that I am ſpeaking for.) But ſtill it may be ſaid, that *Cromwell* and his adherents were not properly ſpeaking, guilty of *rebellion*; becauſe he, whom they beheaded, was not properly ſpeaking, *their king*; but a *lawleſs tyrant*.—Much leſs, are the whole body of the nation at that time to be charged with rebellion on that account; for it was no *national act*; it was not done by a *free* parliament. And much leſs ſtill, is the nation at preſent, to be charged with the great ſin of rebellion, for what their *anceſtors* did, (or rather did NOT) a century ago.

But how came the *anniverſary* of king *Charles*'s death, to be ſolemnized as a day of faſting and humiliation? The true anſwer in brief, to which inquiry, is, that this faſt was inſtituted by way of *court* and *compliment* to king *Charles* II. upon the *reſtoration*. All were deſirous of making their court to him; of ingratiating themſelves; and of making him forget what had been done in oppoſition to his *father*, ſo as not to revenge it. To effect this, they ran into the moſt extravagant profeſſions of affection and loyalty to him, inſomuch that he himſelf ſaid, that it was a *mad* and *hair-brained* loyalty which they profeſſed. And amongſt other ſtrange things, which his firſt

parliament

parliament did, they ordered the *thirtieth* of *January* (the day on which his father was beheaded) to be kept as a day of ſolemn humiliation, to deprecate the judgments of heaven for the rebellion which the nation had been guilty of, in that which was no national thing; and which was not rebellion in them that did it—Thus they ſoothed and flattered their new king, at the expence of their liberties:—And were ready to yield up *freely* to *Charles* II. all that enormous power, which they had juſtly reſiſted *Charles* I. for uſurping to himſelf.

The laſt query mentioned, was, Why thoſe of the *epiſcopal clergy*, who are very high in the principles of *eccleſiaſtical authority*, continue to ſpeak of this unhappy prince as a *great ſaint* and a *martyr?* This, we know, is what they conſtantly do, eſpecially on the *thirtieth* of *January*;—a day ſacred to the *extolling* of *him*, and to the *reproaching* of thoſe who are not of the *eſtabliſhed church*. *Out of the ſame mouth* on this day, *proceedeth bleſſing and curſing**; *therewith bleſs they their God, even* Charles, *and therewith curſe they* the diſſenters: And their *tongue can no man tame; it is an unruly evil, full of deadly poiſon.* King *Charles* is, upon this ſolemnity, frequently compared to our

* James iii. 8, 9, 10.

Lord

Lord Jeſus Chriſt, both in reſpect of the *holineſs* of his life, and the greatneſs and injuſtice of his *ſufferings*; and it is a wonder they do not add ſomething concerning the *merits* of his death alſo — But *bleſſed ſaint* and *royal martyr* are as humble titles as any that are thought worthy of him.

Now this may, at firſt view, well appear to be a very ſtrange *phænomenon*. For king *Charles* was really a man black with guilt, and *laden with iniquity* *, as appears by his crimes before mentioned. He lived a tyrant; and it was the oppreſſion and violence of his reign, that brought him to his untimely and violent end at laſt. Now what of ſaintſhip or martyrdom is there in all this? What of ſaintſhip is there in encouraging people to *profane* the *Lord's Day*? What of ſaintſhip in falſhood and perjury? What of ſaintſhip in repeated robberies and depredations? What of ſaintſhip in throwing real ſaints, and glorious patriots into gaols? What of ſaintſhip in overturning an excellent civil conſtitution?—and proudly graſping at an illegal and monſtrous power? What of ſaintſhip in the murder of thouſands of innocent people; and involving a nation in all the calamities of a civil war? And what of

* Iſaiah i. 4.

mar-

martyrdom is there, in a man's bringing an immature and violent death upon himſelf, by *being wicked overmuch* †? Is there any ſuch thing as grace, without goodneſs? As being a follower of Chriſt without following him? As being his diſciple, without learning of him to be juſt and beneficent? Or as ſaintſhip without ſanctity‡? If not, I fear it will be hard to prove this man a ſaint. And verily one would be apt to ſuſpect, that *that church* muſt

† Eccleſ. vii. 17.

‡ Is it any wonder that even perſons who do not *walk after their own luſts*, ſhould *ſcoff* at *ſuch ſaints* as this, both in the *firſt* and in the *laſt days*, even *from everlaſting to everlaſting?* 2 Pet. iii. 3, 4. — But perhaps it will be ſaid, that theſe things are MYSTERIES, which (although very true in themſelves) *lay-underſtandings* cannot comprehend: or, indeed, any other perſons amongſt us, beſides thoſe who being INWARDLY MOVED BY THE HOLY GHOST have taken a trip acroſs the *Atlantic* to obtain *epiſcopal ordination* and *the indelible character* — However, if theſe *conſecrated gentlemen* do not quite deſpair of us, it is hoped that, in the abundance of their charity, they will endeavour to *illucidate* theſe *dark* points; and, at the ſame time, explain the creed of *another of their eminent ſaints*, which we are told, that unleſs we *believe faithfully*, (i. e.) *believingly*) *we cannot be ſaved:* which creed, (or rather *riddle*) notwithſtanding all the labours of the *pious* ——— and *metaphyſical* Dr. *Waterland*, remains ſomewhat *ænigmatical* ſtill.

be but *poorly ſtocked* with ſaints and martyrs, which is forced to adopt ſuch enormous ſinners into her *kalendar*, in order to ſwell the number.

But to unravel this *myſtery of* (*nonſenſe* as well as of) *iniquity*, which has *already worked* for a *long time* amongſt us*; or, at leaſt, to give the moſt probable ſolution of it; it is to be remembered, that king *Charles*, this *burleſque* upon ſaintſhip and martyrdom, though ſo great an oppreſſor, was a true friend to the *Church*;—ſo true a friend to her, that he was very well affected towards the *roman catholics*; and would probably have been very willing to unite *Lambeth* and *Rome*. This appears by his marrying a true *daughter* of that true *mother of harlots*†; which he did with a diſpenſation from the *Pope*, that ſupreme BISHOP; to whom when he wrote, he gave the title of MOST HOLY FATHER. His queen was extremely bigotted to all the follies and ſuperſtitions, and to the *hierarchy* of *Rome*; and had a prodigious aſcendency over him all his life. It was, in part, owing to this, that he (probably) abetted the maſſacre of the proteſtants in *Ireland*; that he aſſiſted in extirpating the *French* proteſtants at *Rochelle*; that

* 2 Theſſ. ii. 7. † Rev. xvii. 5.

he

he all along encouraged *papiſts*, and popiſhly affected *clergymen*, in preference to all other perſons, and that he upheld that monſter of wickedneſs, ARCHBISHOP LAUD, and the biſhops of his ſtamp, in all their church tyranny and diabolical cruelties. In return to his kindneſs and indulgence in which reſpects, they cauſed many of the pulpits throughout the nation, to ring with the divine abſolute, indefeaſible right of kings; with the praiſes of *Charles* and his reign; and with the damnable ſin of reſiſting the *Lord's anointed*, let him do what he would. So that not *Chriſt*, but *Charles*, was commonly preached to the people.—In *plain Engliſh*, there ſeems to have been an impious bargain ſtruck up betwixt the *ſcepter* and the *ſurplice*, for enſlaving both the *bodies* and *ſouls* of men. The king appeared to be willing that the clergy ſhould do what they would,—ſet up a monſtrous hierarchy like that of *Rome*,—a monſtrous inquiſition like that of *Spain* or *Portugal*,—or any thing elſe which their own pride, and the devil's malice, could prompt them to: *provided always*, that the clergy would be *tools* to the crown; that they would make the people believe, that kings had God's authority for breaking God's law; that they had a commiſſion from heaven to ſeize the eſtates and lives of their ſubjects at pleaſure; and that it was a damnable ſin to reſiſt them,

even when they did ſuch things as deſerved more than damnation.—This appears to be the true key for explaining the *myſterious* doctrine of king *Charles*'s ſaintſhip and martyrdom. He was a ſaint, not becauſe he was in his life a good *man*, but a good *churchman*; not becauſe he was a lover of *holineſs* but the *hierarchy*; not becauſe he was a friend to *Chriſt*, but the *craft*. And he was a martyr in his death, not becauſe he bravely ſuffered death in the cauſe of truth and righteouſneſs, but becauſe he died an enemy to liberty and the rights of conſcience; i. e. not becauſe he died an enemy to *ſin*, but *diſſenters*. For theſe reaſons it is that all bigotted clergymen, and friends to church-power, paint this man as a ſaint in his life, though he was ſuch a mighty, ſuch a *royal ſinner*; and as a martyr in his death, though he fell a ſacrifice only to his own ambition, avarice, and unbounded luſt of power. And from proſtituting their praiſe upon king *Charles*, and offering him that incenſe which is not his due, it is natural for them to make a tranſition to the diſſenters, (as they commonly do) and to load them with that reproach which they do not deſerve; they being generally profeſſed enemies both to civil and eccleſiaſtical tyranny. We are commonly charged (upon the *thirtieth* of *January*) with the guilt of putting the king to death, under a notion that it

was

was our anceſtors that did it; and ſo we are repreſented in the blackeſt colours, not only as ſchiſmatics, but alſo as traitors and rebels and all that is bad. And theſe *lofty* gentlemen uſually rail upon this head, in ſuch a manner as plainly ſhews, that they are either groſly ignorant of the hiſtory of thoſe times which they ſpeak of; or, which is worſe, that they are guilty of the moſt ſhameful prevarication, ſlander and falſhood.—But every *petty prieſt*, with a *roll* and a *gown*, thinks he muſt do ſomething in imitation of his *betters* in *latin*, and ſhew himſelf a *true ſon* of the church: And thus, through a foolish ambition to appear *conſiderable*, they only render themſelves *contemptible*.

But ſuppoſe *our* fore-fathers did kill their *mock* ſaint and martyr a century ago, what is that to *us* now? If I miſtake not, theſe gentlemen generally preach down the doctrine of the *imputation of Adam's ſin to his poſterity*, as abſurd and unreaſonable, notwithſtanding they have ſolemnly ſubſcribed what is equivalent to it in *their own articles of religion*. And therefore one would hardly expect that they would lay the guilt of the king's death upon *us*, although *our fore-fathers* had been the only authors of it. But this conduct is much more ſurpriſing, when it does not appear that our anceſtors

anceſtors had any more hand in it than *their own*.—However, bigotry is ſufficient to account for this, and many other *phænomena*, which cannot be accounted for in any other way.

Although the obſervation of this *anniverſary* ſeems to have been (at leaſt) ſuperſtitious in its *original*; and although it is often abuſed to very bad purpoſes by the eſtabliſhed clergy, as they ſerve themſelves of it, to perpetuate ſtrife, a party ſpirit, and diviſions in the chriſtian church; yet it is to be hoped that one good end will be anſwered by it, quite contrary to their intention; it is to be hoped, that it will prove a ſtanding *memento*, that *Britons* will not be *ſlaves*; and a warning to all corrupt counſellors and *miniſters*, not to go too far in adviſing to arbitrary deſpotic meaſures.—

To conclude: Let us all learn to be *free*, and to be *loyal*. Let us not profeſs ourſelves vaſſals to the lawleſs pleaſure of any man on earth. But let us remember, at the ſame time, government is *ſacred*, and not to be *trifled* with. It is our happineſs to live under the government of a Prince, who is ſatisfied with ruling according to law; as every other *good prince* will—We enjoy under his adminiſtration all the liberty that is proper and expedient for us. It becomes us, therefore, to be contented,

contented, and dutiful ſubjects. Let us prize our freedom; but not *uſe our liberty for a cloke of malicioufneſs* *. There are men who ſtrike at *liberty* under the term *licentiouſneſs*. There are others who aim at *popularity* under the diſguiſe of *patriotiſm*. Be aware of both. *Extremes* are dangerous. There is at preſent amongſt *us*, perhaps more danger of the *latter* than of the *former*. For which reaſon I would exhort you to pay all due regard to the government over us; to the KING and all in authority; and to *lead a quiet and peaceable life* †.—And while I am ſpeaking of loyalty to our *earthly prince*, ſuffer me juſt to put you in mind to be loyal alſo to the ſupreme RULER of the univerſe, *by whom kings reign, and princes decree juſtice* ‡. To which king eternal, immortal, invifible, even to the ONLY WISE GOD ‖, be all honour and praiſe, DOMINION and thankſgiving, through JESUS CHRIST our LORD. AMEN.

* 1 Pet. ii. 16. † 1 Tim. ii. 2. ‡ Prov. viii. 15. ‖ 1 Tim. i. 17.

The MANNER of CONSECRATION OF THE BISHOPS IN *DUBLIN*,

By the Lord Primate in the year 1660.

WHEREAS we have thought fit to appoint the 27th of this inſtant *January* 1660, for the conſecration of biſhops; to the end therefore that the ſame may be ſo ordered, as decency and the dignity of ſo holy an office ſhall require; we have thought fit, by the advice of our brethren the biſhops, who are to aſſiſt in that ſacred adminiſtration, and with whom we have conſulted in that behalf, to order,

That at ſeven o'clock in the morning of the ſaid day, the lords biſhops elect do attend us, at the dean of Chriſt church his houſe, and

* The editor conſiders this ſmall piece as a prelatic comment on the words of Chriſt, *my kingdom is not of this world*; and as ſuch it is here publiſhed.

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that all the biſhops conſecrators be there alſo in their cornered caps, rochets and chimers.

That notice be given to the ſaid deans of the two cathedral churches of *Dublin*, that they likewiſe are expected to attend at the ſame time and place in their formalities.

That the ſaid deans reſpectively ſhall give orders to the dignitaries, prebendaries, canons, petit-canons, vicars, choral, and choriſters, that they do attend at the ſame hour, in their reſpective formalities in the body of Chriſt-church.

That the vice-chancellor, or pro-vice-chancellor of the univerſity, all doctors of divinity, and of the law, as alſo all the miniſters and civilians in this city, with the whole univerſity, do likewiſe repair thither, ſo far as they can conveniently furniſh themſelves with gowns and formalities to their reſpective offices and dignities appertaining.

That the order of proceeding be as follows;

That the purſuivant of the court of prerogative, and the apparator general bare-headed.

The vergers of the ſaid two cathedrals alſo bare-headed.

The choriſters two and two, and the reſt of the procedents alſo in order, two and two as followeth.

Vicars chorals.

Petit-canons.
Prebendaries.
Dignitaries.
The ſaid two deans.
The biſhops elect in their albs.
The lord primate's gent. uſher, and ſecretary bare-headed.
The lord primate.
The other biſhops conſecrators two and two.
The beadle of the univerſity.
The vice-chancellor, or pro-vice-chancelor, and provoſt.
Deans and doctors two and two.

That the aboveſaid orders may proceed with a ſilent, ſolemn, and ſlow paced gravity, until the time of entrance into the weſt-gate of St. *Patrick*'s church, where the vicars and choriſters are to proceed ſinging into the choir, and there continue ſinging the *te deum*, accompanied with the organ, until the archbiſhops, biſhops, and the reſt of the principal precedents ſhall be placed and ſeated in their reſpective ſtalls.

That the office of morning prayer be ſolemnly celebrated by the dean of the ſaid church. Which ended, Dr. *Jer. Taylor*, lord biſhop elect of *Down*, deſigned to preach the *concio ad clerum*, is to aſcend the pulpit during the ſinging of *per veni nobis*.

That after the ſaid biſhop hath ended his ſermon, he be conveyed by the verger to his ſtall.

That upon his lordſhip's deſcent from the pulpit an anthem be ſung.

That from the end of the anthem the voice of the organ be heard, and continued until the lord primate and the other biſhops who are to conſecrate, aſcend into the encloſure within the rails, and ſomewhat longer; at leaſt till the noiſe, which may be occaſioned by the uſual motion of the people from their places after ſermon, ſhall ceaſe.

That after the primate and biſhops conſecrators are ſeated in their chairs, and the ſound of the organs continuing, the vicar-general (as ſent by the ſaid primate) is to go to the lords elect, ſitting in their ſtalls, and ſo with the dean of St. *Patrick* to conduct their lordſhips to the encloſure, and there to range them in their order according as direction ſhall be given by the primate.

That then the office of conſecration be celebrated, which ended, the anthem to that purpoſe compoſed by the dean of St. *Patrick's*, called *quam denuo exaltavit dominus coronam*, be ſung as it here followeth.

Anthem

Anthem after the consecration.

Treble.

Now that the Lord hath readvanc'd the crown,
Which thirst of spoil and frantic zeal threw down.

Tenor.

Now that the Lord the mitre has restor'd,
Which with the crown lay in the dust abhorr'd.
Treble—*Praise him ye kings* } *Chorus all*
Tenor—*Praise him ye priests* } *sing*
Glory to Christ our high priest, highest king.

Treble.

May Judah's royal sceptre still shine clear,

Tenor.

May Aaron's *holy rod still blossoms bear,*

Treble and Tenor.

Sceptre and rod rule still, and guide our land,
And those whom God anoints feel no rude hand;
May love, peace, plenty, wait on crown and chair,
And may both share in blessings as in care.

Chorus.

Angels look down, and joy to see,
Like that above, a monarchy.
Angels look down, and joy to see,
Like that above, an hierarchy.

That

That while *veni creator* is ſinging, the biſhops to be conſecrated ſhall have their rochets and chimers put on; which done, the conſecration ended, and the *anthem* and *te deum* ſung, the communion is to follow, and after the communion the bleſſing to be pronounced by the lord primate.

That after the conſecration ended, the whole proceſſion do attend us to the primate his lodgings.

That the *lætifecetur cor regis* be ſung before the lord primate, as he goeth from the choir to the outward part of the church.

That in the return of his grace from the church, the proceſſion be ſo altered, that the new conſecrated archbiſhops and biſhops, be diſpoſed with the other biſhops conſecrators, according to the reſpective dignities of their ſees, quality, and ſeniority of conſecration.

17 JY 60

Jo. Armacanus.

END *of the* SECOND VOLUME.